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Letter dated 23 November 2009 from the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, and in accordance with paragraph 8 of Security Council resolution 1857 (2008), I have the honour to submit herewith the final report of the Group of Experts on the Democratic Republic of the Congo.

In this connection, I would appreciate it if the present letter, together with its enclosure, could be brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Ertuğrul **Apakan**
Chairman

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Enclosure

Letter dated 9 November 2009 from the Group of Experts on the Democratic Republic of the Congo addressed to the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004)

The members of the Group of Experts on the Democratic Republic of the Congo have the honour to transmit herewith the final report of the Group prepared in accordance with paragraph 8 of Security Council resolution 1857 (2008).

(*Signed*) Dinesh **Mahtani**

(*Signed*) Raymond **Debelle**

(*Signed*) Mouctar Kokouma **Diallo**

(*Signed*) Christian B. **Dietrich**

(*Signed*) Claudio **Gramizzi**

Final report of the Group of Experts on the Democratic Republic of the Congo

Summary

The present report concludes that military operations against the Forces démocratiques de libération du Rwanda (FDLR) have failed to dismantle the organization's political and military structures on the ground in eastern Democratic Republic of the Congo. The increasing rate of FDLR combatant defections and FDLR temporary removal from many of its bases are only a partial success, considering that the armed group has regrouped in a number of locations in the Kivus, and continues to recruit new fighters. The report shows that FDLR continues to benefit from residual but significant support from top commanders of the Forces armées de la République démocratique du Congo (FARDC), particularly officers in the 10th military region (South Kivu), and has sealed strategic alliances with other armed groups in both North and South Kivu. External support networks, both regional and international, have been used by FDLR in the field to counteract the effects of "Kimia II" (FARDC-led military operations against FDLR), for instance networks in Burundi and the United Republic of Tanzania. The Group has also documented that FDLR has a far-reaching international diaspora network involved in the day-to-day running of the movement, the coordination of military and arms trafficking activities and the management of financial activities. This report presents two case studies on the involvement of individuals linked to faith-based organizations.

The Group investigated FDLR's ongoing exploitation of natural resources in the Kivus, notably gold and cassiterite reserves, which the Group calculates continues to deliver millions of dollars in direct financing into the FDLR coffers. The present report illustrates how FDLR gold networks are tightly intertwined with trading networks operating within Uganda and Burundi as well as in the United Arab Emirates. The Group also documents that a number of mineral exporting companies, some of which were named in a previous report of the Group in 2008 (S/2008/773), continue to trade with FDLR. This report shows that end buyers for this cassiterite include the Malaysia Smelting Corporation, and the Thailand Smelting and Refining Company, which is held by Amalgamated Metals Corporation, based in the United Kingdom of Great Britain and Northern Ireland.

The report analyses the integration of non-State armed groups into FARDC through the rapid integration process in January 2009, as well as prior to and during the FARDC/Rwandan Defence Force (RDF) joint operations "Umoja Wetu" and "Kimia II". In this context, the officer class of the Congrès national pour la défense du peuple (CNDP), in particular General Bosco Ntaganda, has continued to retain heavy weapons acquired during its period of rebellion in spite of its official integration into FARDC and still controls revenue-generating activities and parallel local administrations. The Group also presents documentary evidence showing that General Ntaganda continues to act as the deputy operational commander of Kimia II.

CNDP military officers deployed as part of FARDC Kimia II operations have profited from their deployment in mineral-rich areas, notably at the Bisie mine in Walikale, North Kivu, and in the territory of Kalehe, in South Kivu. In both these areas, the FARDC commanding officers on the ground are former CNDP officers.

The Group includes evidence in the report showing direct involvement of CNDP military officials in the supply of minerals to a number of exporting houses in North and South Kivu, some of which also supply the international companies mentioned above.

The Group has monitored compliance with paragraph 5 of resolution 1807 (2008), by which the Security Council decided that all States are to notify the sanctions committee in advance regarding the shipment of arms and related material for the Democratic Republic of the Congo or any provision of assistance, advice or training related to military activities, especially given the Group's findings on the continued diversion of FARDC military equipment to non-governmental armed groups, notably FDLR. The Group has conclusively documented irregular deliveries of arms to the Democratic Republic of the Congo from the Democratic People's Republic of Korea and the Sudan, as well as deliveries of trucks and aircraft that have been used by FARDC. The present report also documents the failure of a number of States to notify the sanctions committee of training they provided to FARDC.

The Group also reports on violations of human rights committed in contravention of subparagraphs 4 (d), (e) and (f) of resolution 1857 (2008) and concludes that FARDC and non-governmental armed groups continue to perpetrate human rights abuses, in the context of Kimia II operations in contravention of international humanitarian law. FARDC and FDLR have been involved in significant killings of civilians and other abuses from March to October 2009, causing additional waves of displacement of several hundred thousand civilians. The findings of the report underline the need for the urgent establishment of a vetting mechanism and the strengthening of accountability and the justice system in the Democratic Republic of the Congo. A list of FARDC commanders currently deployed in the Kimia II operation with an established record of human rights abuses is annexed to the present report (annex 124).

The Federal Police of Germany arrested Mr. Ignace Murwanashyaka and Mr. Straton Musoni, the president and vice-president of FDLR respectively, on 17 November 2009, following the submission of the present report on 9 November 2009 by the Group of Experts to the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004). Mr. Murwanashyaka and Mr. Musoni were arrested on suspicion of committing crimes against humanity and war crimes in the Democratic Republic of the Congo, as well as on the basis of other charges related to the forming and membership of a foreign terrorist organization.

I. Introduction and methodology

1. The Group of Experts commenced its work on 2 March 2009 in New York, where it held consultations with United Nations officials and diplomatic missions before travelling to Europe to meet with representatives of various Governments and non-governmental organizations. The Group subsequently deployed to Kinshasa on 20 March 2009 to begin five weeks of field work in the region, following which it presented its interim findings to the Sanctions Committee on 9 May 2009. The interim report of the Group of Experts was issued as a document of the Security Council on 14 May 2009 (S/2009/253).

2. From March to the end of October 2009, the Group maintained a regular presence in North and South Kivu and held consultations in the Great Lakes region with the Governments of Burundi, Rwanda and Uganda. The Group continued to consult with central and provincial government authorities in the Democratic Republic of the Congo, but regrets not being afforded an opportunity to hold substantive consultations with that country's Ministry of Defence. The Group visited the United Arab Emirates where it held meetings with representatives of the Ministry of Foreign Affairs, the Dubai authorities and private sector entities. The Group also visited Germany where it held meetings at the Federal Foreign Office.

3. In accordance with paragraph 10 of resolution 1857 (2008), the Group continued to adopt a case study approach, focusing on North and South Kivu and Ituri. In North Kivu the Group visited the territories of Masisi, Rutshuru, Nyiragongo, Walikale and Lubero and in South Kivu it visited the territories of Kalehe, Kabare, Mwenga, Shabunda, Uvira and Fizi. The Group also undertook missions to Bunia and to Ituri district.

4. In particular, the Group continued to focus its research on the activities of the Forces démocratiques de libération du Rwanda-Forces combattantes abacunguzi (FDLR-FOCA), as well as the activities of the movement's political leadership and diaspora members residing outside of the Democratic Republic of the Congo. The Group continued its analysis of the integration process of non-governmental armed groups in Forces armées de la République démocratique du Congo (FARDC), as well as on non-integrated elements that remain outside the current peace process. In the light of the political and military developments observed during 2009, the Group also centred its research on potential security threats in connection with weak integration of non-State armed groups into FARDC, aggravated by the conduct of military operations in the Kivus (Umoja Wetu and Kimia II).

5. With respect to paragraph 5 of resolution 1807 (2008), the Group continued to investigate arms shipments to the Democratic Republic of the Congo that were not notified by exporting countries to the Security Council Committee established pursuant to resolution 1533 (2004).

6. The Group continued its research into the linkage between the illegal exploitation of natural resources and the financing of illegal armed groups.

7. The Group also monitored, to the extent possible, the implementation by Member States of the targeted travel and financial measures imposed against individuals and entities on the Committee's list.[1]

[1] Available from www.un.org/sc/committees/1533/pdf/1533_list.pdf.

8. The Group of Experts worked in close collaboration with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and relevant United Nations organizations. The Group consulted broadly and met with a number of different interlocutors during its fieldwork, including the civilian and military authorities of the Democratic Republic of the Congo and other States in the region, national civil aviation authorities, mineral traders, representatives of business entities, air and land transport companies and non-governmental organizations, as well as former and current militia members, and representatives of the local and international press. A list of meetings and consultations held by the Group is contained in the annex to the present report (annex 1).

9. The Group of Experts used evidentiary standards recommended by the Informal Working Group of the Security Council on General Issues of Sanctions in its report (S/2006/997), relying on authentic documents and, wherever possible, first-hand, on-site observations by the experts themselves. When this was not possible, the Group corroborated information using at least three independent and reliable sources. In general, the Group chose not to provide detailed profiles of its sources, in order to guarantee their anonymity and to protect them from possible retaliation. The Group obtained more than 100 telephone logs, which it analysed to the extent possible. The Group wishes to state that it did not monitor telecommunications referred to throughout the present report, but only analysed the timing and length of telephone calls made. Analysis of telephone logs helped the Group to determine trends or particular patterns of communication and to further corroborate information obtained from documents, testimonies and interviews.

10. In his letter dated 13 February 2009 addressed to the President of the Security Council (S/2009/93), the Secretary-General informed the Council that he had appointed the members of the Group of Experts as follows: Dinesh Mahtani (United Kingdom, finance expert and coordinator), Raymond Debelle (Belgium, regional expert), Mouctar Kokouma Diallo (Guinea, customs expert), Christian B. Dietrich (United States of America, aviation expert) and Claudio Gramizzi (Italy, arms expert). The Group was assisted by Peter Danssaert, a consultant on arms, and by Francesca Jannotti Pecci, Political Affairs Officer in the Department of Political Affairs of the Secretariat and two full-time consultants.

11. The Group of Experts wishes to express its thanks to the staff of MONUC for their support and continued cooperation during the course of this mandate and, in particular, to the following MONUC Offices: Civil Affairs Section, Disarmament, Demobilization, Repatriation, Reintegration and Resettlement Section, Deputy Special Representative of the Secretary-General, United Nations Joint Human Rights Office, Division of Mission Support, Eastern Coordination, Joint Mission Analysis Cell, Political Affairs Division, Regional Administration Office, Public Information Office, Radio Okapi, as well as to the North and South Kivu Brigades.

II. Political and military context

12. In January 2009 several thousand combatants drawn from CNDP, the Coalition des patriotes résistants congolais (PARECO) and other Mai Mai groups participated in a rapid integration exercise and were incorporated into FARDC ranks. According to FARDC officials and diplomatic sources, the exact number of integrated elements is not known to the FARDC high command, although all armed groups in the

process provided figures, totalling 12,000 elements. Due to the speed at which the integration process took place in North Kivu, many weapons stockpiles remained personalized and hidden away in secret caches, and children who had been previously recruited into the armed movements were integrated into the new FARDC structures. Due to the immediate integration of the majority of these elements and their subsequent deployment in joint Rwandan Defence Forces (RDF)-FARDC operations (known as Umoja Wetu) and, later, in MONUC-supported FARDC operations (known as Kimia II), the identification of newly integrated FARDC elements remains incomplete. The lack of an adequate identification process led to delays in the payment of salaries lasting for months, exacerbating waves of desertions from FARDC ranks during the early part of 2009, particularly Mai-Mai PARECO and Hutu elements from CNDP. In South Kivu roughly 550 elements from Mai Mai Asani, the Yakutumba group and the Forces républicaines fédéralistes (FRF) — all three groups based in the high plateau — accepted to join the integration process in August 2009, although it is not fully clear whether these troops are responding wholly under the chain of command of FARDC. In North Kivu two main Mai Mai groups under the command of General Kakule Sikula Lafontaine and Colonel Janvier Buingo Karairi remain committed to opposing Kimia II operations.

Operation "Umoja Wetu"

13. Between 20 January and 25 February 2009, the FARDC and the RDF conducted joint operations in North Kivu, known as Umoja Wetu, in an attempt to dismantle the FDLR's military capacity. The Group established on the basis of its field work and of reports received from FARDC and MONUC, that while such operations initially pushed FDLR away from military bases in North Kivu and several other strategic positions, FDLR subsequently managed to re-occupy some of the positions they had lost and conducted frequent reprisal campaigns against civilian villages, which included acts of killing, raping, looting and burning. These retaliations were also marked by the displacement of thousands of people. Some of these reprisals have been documented in the present report and in the Group's interim report (S/2009/253).

14. The effectiveness of Umoja Wetu was diminished by the limited resources and logistical capacities of FARDC. It appears that the operations were further crippled owing to the embezzlement of several million United States dollars in operational funds by top officers in FARDC and RDF. While the Group could not document this misappropriation of funds, it received consistent reports both from presidential sources in Kinshasa and from FARDC officials involved in the operations. During Umoja Wetu the Group also received consistent reports that RDF and newly integrated CNDP elements working in tandem had cleared several areas of civilian populations, particularly in Walikale territory, where newly integrated former Congrès national pour la défense du peuple (CNDP) troops planted the seeds of their present control over principle axes in mining-rich zones of the territory.

15. According to many reports received by the Group, including from FDLR and Rally for Unity and Democracy (RUD-Urunana) active elements, FDLR and RUD-Urunana forces have agreed to a mutual pact of cooperation during the period of Umoja Wetu, while the FDLR had already started benefiting from an unknown but allegedly significant number of Hutu former combatants drawn from PARECO and Mai Mai and other groups.

Operation Kimia II

16. FARDC operations against FDLR, which began in March 2009, spread from North Kivu gradually southwards to South Kivu before slowing down in September 2009 owing to a lack of operational funds. The most aggressive operations against FDLR have been conducted by FARDC units, spearheaded by former CNDP commanders, notably in the territories of Masisi and Walikale, in North Kivu, and Kalehe, Shabunda, Fizi and Uvira in South Kivu. According to humanitarian and human rights workers operating in affected areas, the human cost of the operations has been high due to the abuses perpetrated against civilian populations by FARDC troops deployed in the operation theatre, FDLR and RUD-Urunana reprisal attacks, and attacks by Mai Mai groups. Scores of villages have been raided and pillaged, thousands of houses have been burnt and several hundred thousand people have been displaced in order to escape from violence generated by military operations. Several hundred people have been killed by FARDC troops and FDLR reprisal attacks during this period (see annex 2 for a satellite image of a village razed by FDLR). The operations have also been a vector through which former CNDP officers have cemented their control over mineral-rich areas, notably the Hauts Plateaux area in Kalehe, mining areas in Walikale and areas around the Kahuzi-Biega National Park in Shabunda territory. Former CNDP units have also forcibly displaced large numbers of civilians from land in the Mushake zone of Masisi in order to find grazing areas for cattle being brought in from Rwanda. During the period of Kimia II operations, several thousand refugees based in camps in Rwanda trickled back to reoccupy contested land in the Kivus, exacerbating ethnic and land-based tensions among local communities.

17. Since July 2009, FARDC has been occupied with heavy fighting in Masisi territory, North Kivu, against the troops of Colonel Janvier Buingo Karairi, commander of the Alliance des patriotes pour un Congo libre et souverain (APCLS), a local defence group that has grown in strength throughout 2009 and recruited children, local Hunde community volunteers and largely Hutu former combatants from the FARDC to form a front against Kimia II. According to MONUC and other sources, APCLS could number up to 1,000 combatants and has forged an operational alliance with FDLR axis commander Colonel Evariste Kanzeguhera (also known as "Sadiki Soleil"). APCLS has held the axis of Lwibo through Lukweti, in Masisi territory, while FDLR have regrouped behind it and started deploying units back into Masisi. According to human rights and humanitarian workers who have visited the area, FARDC have carried out numerous attacks deliberately targeting and killing hundreds of civilians there.

18. While FDLR have been dispersed from many of their original bases, they have regrouped in significant numbers around four areas: on the Pinga-Oninga axis in Masisi and Walikale, around the Hombo area in Walikale, in the Itombwe forest in Mwenga, and in Lubero territory in alliance with the Mai Mai group of General Kakule Sikula Lafontaine, who separately operates in collaboration with the RUD-Urunana. With their local supply and logistics chain disrupted, FDLR have attempted to adapt by launching smaller attacks on vulnerable civilian populations in order to pillage and take hostages for ransom.

19. MONUC has reported that 1,261 FDLR combatants surrendered between January and 30 October 2009, with a total of 1,785 dependants, which represents roughly twice as many repatriations of FDLR combatants and three times as many

total repatriations as recorded between the signing of the Nairobi Communiqué in 2007 and the end of November 2008. In the mean time, FDLR have been engaging in fresh waves of recruitment of Congolese Hutus and a number of Rwandan Hutus, who are being infiltrated through Burundi and Uganda. It therefore remains difficult to assess whether the fighting force of the FDLR has diminished significantly from the 6,000 to 8,000 fighters the Group of Experts estimated the FDLR had in 2008.

20. Military operations have thus not succeeded in neutralizing FDLR, have exacerbated the humanitarian crisis in the Kivus, and have resulted in an expansion of CNDP's military influence in the region. Elsewhere, in Europe, North America and the wider African region, the FDLR diaspora support networks have continued to operate and have been deeply involved in managing the response to the FARDC operations.

III. Forces démocratiques de libération du Rwanda-Forces combattantes abacunguzi

21. The Group has researched extensively the internal and external support networks of FDLR. In particular, the Group has identified residual but substantive links between FARDC and FDLR, focusing on FDLR's regional and international support networks. The Group has also researched the extent to which FDLR leaders in the diaspora located in North America, Europe and Africa are involved and complicit in the day-to-day operational command of FDLR. The Group gathered evidence of FDLR involvement in local businesses in Goma (see annex 3), from transport, to general trade in goods, to the exploitation of timber forests, charcoal and marijuana (see also S/2008/773 and S/2009/253). The Group continued its research into FDLR's illegal exploitation of natural resources in complicity with traders working for Congolese mineral-exporting companies.

A. Internal military support networks

Collaboration between the Forces armées de la République démocratique du Congo and the Forces démocratiques de libération du Rwanda

22. In line with its report of 12 December 2008 (S/2008/773), the Group continued to research FARDC-FDLR collaboration. In particular, the Group focused on episodes of diversions of military equipment, which are detailed in the following paragraphs, as well as with cases of interference by FARDC with MONUC disarmament, demobilization, repatriation, reintegration and resettlement exercises and of operational collaboration between FDLR and FARDC.

Tenth military region (Forces armées de la République démocratique du Congo)

23. The Group has documented several cases of arms and ammunition that were diverted from FARDC stockpiles to various non-State armed groups, in particular the Mai Mai, the Front national de libération (FNL),[2] FRF and FDLR. In spite of military operations undertaken by FARDC against FDLR, the Group has gathered

[2] The Group refers specifically to dissident elements of the Burundian Front national de libération.

evidence and testimony demonstrating that certain FARDC officers, particularly senior officials in control of the tenth military region (South Kivu), are implicated in the deliberate diversion of this military equipment. The cases documented by the Group do not give a full picture of the current extent of FARDC material support to non-State armed groups. Nevertheless, the Group is of the view that the Kinshasa authorities are aware of some of these leaks and have taken no appropriate measures, undermining FARDC's control over its own internal stockpiles and military operations against FDLR. The Group documented the attempted diversion of military equipment from the tenth military region in December 2008, and corroborated several other cases of diversion that took place in 2009, through the recovery of hidden arms caches in collaboration with MONUC and through various testimonies gathered in the course of its work in South Kivu, including from military justice officials.

24. The Group has obtained a report from a security agency of the Democratic Republic of the Congo (annex 4) and a case file from the intelligence officers (T2) of the tenth military region (annex 5), which describes the attempted diversion on 13 December 2008 of 14,000 rounds of 7.62 x 39 mm ammunition (Kalashnikov type) from the official FARDC stockpile under the control of the commanders of the tenth military region. These documents have been archived at the United Nations.

25. The Group separately interviewed two FARDC officers of the tenth military region who were aware of the diversion of this military equipment. Both officers stated to the Group that the ammunition was destined to be delivered to FRF, FNL and FDLR. The officers also informed the Group that there had been other similar episodes over the past year orchestrated by internal FARDC networks loyal to Colonel Baudouin Nakabaka, the deputy commander of the tenth military region in charge of logistics and administration, and his direct superior General Pacifique Masunzu. The tenth military region is responsible for managing the arms stockpile and the salary payments of FARDC soldiers operating in South Kivu. Commanders of the tenth military region are not involved in the chain of command of Kimia II.

26. The case file obtained by the Group shows Colonel Nakabaka's direct complicity in the attempted diversion of ammunition on 13 December 2008. Testimonies by various FARDC officials in these documents show that the ammunition was loaded onto a specially rented private vehicle by certain FARDC officials, notably Sergeant Elie Awijeo Abutumange and Captain Ikamba, the latter being at the time in charge of the FARDC depots where this material was stored. According to several testimonies of FARDC officials, Captain Ikamba and the driver of the vehicle stated to their fellow FARDC officers present at the storage site that the material was being moved with the authority of Colonel Nakabaka. Four FARDC witnesses reported that Colonel Nakabaka phoned FARDC officers in charge of securing the camp at that precise moment. FARDC witnesses also reported that the driver had attempted to call Colonel Nakabaka just before he was arrested. The documents show that Colonel Nakabaka's telephone number was found on the driver's telephone.

27. According to the T2 case file, FARDC witnesses confirmed that the munitions were supposed to be delivered to Yves Mukulikire, a resident of Uvira, who confirmed that he had been a fighter in the Mai Mai Zabuloni and subsequently in the 111th brigade up until 2006, and that he was the cousin of Colonel Nakabaka. FARDC officials also inspected Mukulikire's house in Uvira a few days after

13 December 2008 and discovered eight empty boxes of ammunition belonging to FARDC. The FARDC witnesses also testified to the T2 that there had been several diversions of military equipment in the three months prior to this specific incident, and that Yves Mukulikire was involved in at least two of them.

28. The T2 case file also describes the results of an internal investigation into the state of the tenth military region's stockpile conducted on 2 February 2009, concerning significant stocks of arms and ammunition that had either disappeared or were not being accounted for. The results show that two boxes of 40 mm grenades, six boxes of 14.5 mm ammunition and the equivalent of 7.5 cases of 7.62 x 39 mm ammunition had gone missing and that there was a recorded surplus of seven boxes of 12.7 mm ammunition, 25 boxes of 82 mm mortar bombs, five boxes of 60 mm mortar bombs, and 10 boxes of 7.62 x 54 mm ammunitions.

29. FARDC officers interviewed by the Group of Experts in Bukavu reported that the T2 case file was transmitted to General Masunzu and to the FARDC ground force intelligence (G2) headquarters in Kinshasa in early 2009, but that no measures had been taken against Colonel Nakabaka.

30. The Group, in collaboration with the MONUC Pakistani military contingent, uncovered two arms caches in the town of Uvira, which the Group considers to be connected to non-State armed groups, notably the Mai Mai, FNL and FDLR. Acting on the Group's information, MONUC's Pakistani contingent seized a stock of 139 AK-47 rifles, 34 rounds of 7.62 x 39 mm ammunition, 5 hand-grenades and 6 Uzi submachine-guns (annex 6) between the night and early morning of 15 and 16 June 2009. The equipment was found in a house owned by Colonel Nakabaka in Uvira. In the week following the seizure of the arms, Programme for Peace, Conflict Resolution and Reconciliation (PAREC), a local non-governmental organization, claimed that it had been responsible for recovering the arms one by one over the period of 15 months as part of a cash-for-weapons programme supporting disarmament activities. The Group does not consider this plausible, as 65 per cent of the AK-47s seized were from five separate production series, and all the Uzis belonged to two production series displaying consecutive production serial numbers. This pattern suggests the weapons are more likely to have been taken from a stockpile, rather than handed in individually by different fighters. The Group corroborated this conclusion through credible testimonies that the arms cache seized on 16 June 2009 belonged to a stock of weapons under the control of the joint FNL-FDLR-Mai Mai network responsible for the attack against the town of Uvira on 9 April 2009. According to two separate interviews with FDLR former combatants directly involved in the 9 April events, as well as individuals close to the FNL and FARDC military justice officials, the operation was jointly conducted by FNL, FDLR and Mai Mai Zabuloni forces and was perpetrated in a bid to release FNL prisoners arrested during previous attacks in February 2009 and to neutralize and replace the military and civilian authorities in Uvira town.

31. On the night of 14 July 2009, acting again on the Group's information, the MONUC Pakistani military contingent seized another arms cache in a different house in Uvira, including eight 107 mm rockets, two AK-47 rifles, nineteen rounds of 7.62 x 39 mm ammunition, ten 82 mm mortar bombs, twenty-one fuses for mortar bombs, and 62 rounds of 12.7 mm machine-gun ammunition. Such equipment is commonly found in FARDC stockpiles. When the Group received information regarding the location of the weapons, it was also informed that these arms had been

hidden by Colonel Nakabaka. The Group has not been able to meet the officials of the Ministry of Defence in Kinshasa to discuss these cases.

32. While working with MONUC on the above cases, the Group developed a model database for the identification of weapons seized by MONUC, including pictures of all the relevant markings necessary for subsequent tracing exercises. The Group shared this tool with MONUC.

33. FARDC Colonel Nakabaka, previously a Mai Mai fighter, is widely recognized by FDLR former combatants in South Kivu as having been an important ally to FDLR in the past. The Group also established from analysing telephone records that in 2009 Colonel Nakabaka was in telephone communication with Major Fudjo Zabuloni, the commander of the Mai Mai Zabuloni in Uvira territory. In the same time period, Colonel Nakabaka was also in contact with Major "Mazuru", an FDLR intelligence officer, consistently described in dozens of interviews with FDLR former combatants as being involved in recruitment and the gold trade on behalf of FDLR. Both Fudjo and Mazuru have separately been in telephone contact with Bande Ndagundi, a Congolese citizen who is involved in arms trafficking and recruitment activities on behalf of non-State armed groups in the Democratic Republic of the Congo, according to evidence gathered by the Group (see paras. 72-79 for more on Mr. Ndagundi's network in the United Republic of Tanzania).

34. The FNL dissident elements participating in the 9 April 2009 attack were reportedly recruited in Burundi by Congolese nationals and given money and weapons. This fact was established on the basis of testimonies received from Congolese military officials, FDLR former combatants and an FNL former combatant directly involved in the 9 April attack. In addition, two Burundian nationals, arrested and interrogated by Congolese military justice officials with an element of the Mai Mai Zabuloni, stated that they had been approached in Burundi by recruiters who were specifically looking for well-trained soldiers.

35. On the basis of consistent interviews collected throughout the mandate, the Group is of the view that the networks among FDLR, Mai Mai and FNL have formed an alliance in the face of the Kimia II operations and collaborate tightly with each other. As part of this alliance, the three armed groups cooperate in smuggling natural resources from the territory of Uvira to Burundi and the United Republic of Tanzania, share weapons stocks and assist each other to infiltrate and hide out in the Ruzizi plain and across the border in forested areas in Burundi.

Colonel David Rugayi

36. Testimonies from five separate former FDLR combatants and three FARDC officers indicated that Colonel David Rugayi, formerly of the 14th integrated brigade, has been responsible for the diversion of large amounts of military equipment to FDLR on several occasions in 2008, notably in February, June, October, November and December 2008 in the territory of Masisi and in the towns of Kalungu and Kibua. According to these testimonies, the equipment reportedly included hundreds of 107 mm cannon rockets, a recoilless 107 mm cannon, several rocket-propelled grenades, three machine guns of 12.7 mm and 14.5 mm calibre and two hundred boxes of 7.62 x 39 mm ammunition (roughly 50,000 rounds), 230 AK-47s and several 82 mm mortars.

37. Colonel Rugayi, who is loyal to former Rwandan-backed North Kivu Governor Eugene Serufuli, one of the founders of the sanctioned entity *Tous pour la paix et le développement*, is also reported by three FARDC officers interviewed by the Group to have taken charge of most of the heavier weapons controlled by the predominately Hutu PARECO Mai Mai before their fighters were integrated into FARDC. According to several military sources, Colonel Rugayi's 14th brigade was also heavily infiltrated by FDLR fighters when it was deployed in mining-rich zones in the territory of Kalehe. The Group gathered several consistent testimonies from FDLR former combatants of Colonel Rugayi's involvement in exploiting cassiterite and gold in mining areas under the control of FDLR in Kalehe, before FDLR were pushed out of these areas by newly integrated FARDC units mainly composed of former CNDP elements.

38. One of the FDLR former combatants informed the Group that he had been part of a group of 50 FDLR porters who were sent down from Kalehe to the town of Kalungu at the end of 2008, where Colonel Rugayi transferred to them a number of AK-47 assault rifles, machine guns and roughly a hundred 107 mm rockets. The former combatant relayed that his commander had personally met Colonel Rugayi in Kalungu, and that FARDC vehicles arrived from Bukavu, the headquarters of the tenth military region, to deliver the equipment. Another FDLR former combatant reported that four hundred 107 mm rockets were delivered by Colonel Rugayi to FDLR just a week before Umoja Wetu started.

39. The telephone records available to the Group show that Colonel Rugayi has been in contact three times with Colonel Nakabaka between May and September 2009. The Group is still investigating this case. PARECO and FDLR elements informed the Group that Colonel Rugayi is in close contact with General Mayanga Wabishuba, the deputy commander of the third FARDC military region in Equateur Province. According to the same information, General Mayanga helps to finance Hutu militias in the Kivus, including FDLR, and reportedly his support is motivated by personal land disputes with prominent members of the Tutsi community in North Kivu. The Group reviewed documents relating to one such land dispute involving General Mayanga.

Other cases of diversion

40. Throughout its current mandate, the Group repeatedly received information from several FARDC officials of diversions of small amounts of ammunition from stockpiles by poorly supervised FARDC officials.

41. In July 2009, the Group interviewed an officer of the 115th brigade who was arrested for having purchased 1,500 rounds of 7.62 x 39 mm ammunition from FARDC stock, with the complicity of a Congolese naval officer based near Uvira. Claiming that the ammunition was not to be used for military operations, the FARDC officer informed the Group that he had been authorized to travel to Uvira to procure the ammunition by his superiors at his brigade headquarters in Kilembwe, South Kivu. The officer also stated that he travelled frequently to sell gold extracted from mines near Kilembwe. The Group received further testimonies that elements of the 115th brigade travel frequently to Uvira and Bukavu to purchase ammunition from the stocks of the tenth military region headquarters.

42. The Group further notes that, according to MONUC and FARDC sources, the 115th brigade, active in the Kilembwe zone since 2007, includes a number of FDLR

elements in its ranks and that its members have previously been involved in commercial activities, such as the sale of gold, on behalf of FDLR.

43. In conclusion, the Group observes that the above cases show a pattern of continued diversion of arms and ammunition, and that even small-scale diversion of military equipment fuels trafficking activities, both of which benefit non-State armed groups, including FDLR.

Interference by the Forces armées de la République démocratique du Congo in operations for disarmament, demobilization, repatriation, reintegration and resettlement

44. The Group notes with concern what appear to be a series of deliberate interference by certain FARDC units in MONUC's attempts to demobilize and repatriate large numbers of FDLR troops and dependents. On 20 August 2009 FARDC units under the control of Colonel Cuma Balumisa attacked FDLR positions near Kahunzu in North Kivu, just a day after two FARDC officers had been deployed to the disarmament, demobilization, repatriation, reintegration and resettlement site to ensure coordination with MONUC and that no attack would take place during that period. On 31 August 2009, FARDC trucks moved into Lulimba with more than 200 soldiers on rotation during a period when MONUC was expecting several dozen FDLR combatants to surrender at a temporary MONUC base. The FARDC units, under the command of Colonel Chiko Tshitambwe, nevertheless deployed and clashed with the FDLR column on its way out, capturing eight FDLR elements and pushing the rest of the column back into the bush. During a disarmament, demobilization, repatriation, reintegration and resettlement exercise aimed at extracting FDLR combatants and dependents from the area of Ntoto in North Kivu on 4 September 2009, FARDC troops under the command of Colonel Mahindule Wabo attacked FDLR at Ntoto, thereby compromising the exercise. The FARDC command argued that the attack on FDLR occurred in error because of the inability to communicate with their field commanders.

45. It is worth underlining that all the above MONUC disarmament, demobilization, repatriation, reintegration and resettlement exercises had been previously agreed upon by MONUC with FARDC chief of staff General Didier Etumba and the commander of Kimia II, General Dieudonné Amuli, who had acknowledged that disarmament, demobilization, repatriation, reintegration and resettlement deployments should be fully integrated into ongoing military operations.

Interference with Kimia II operations

46. The Group gathered testimonies of support given to FDLR by an FARDC officer identified as Colonel Yves Kijenga, who was directly involved in Kimia II. The Group has received reports from Mai Mai sources as well as local officials in Hombo, a town which straddles the border of North and South Kivu, that Colonel Kijenga was based in the Hombo region in early 2009 and had close relations with FDLR. Colonel Kijenga reportedly interfered with operations against FDLR by asking his troops to fire in the air as they approached FDLR, thereby alerting FDLR to FARDC attacks, as well as allegedly releasing a number of FDLR elements who had been captured by FARDC and detained in Hombo. The Group has been unable to confirm the whereabouts or current activities of Colonel Kijenga.

Collaboration among the Forces armées de la République démocratique du Congo, the Forces démocratiques de libération du Rwanda and the Forces républicaines fédéralistes in the Hauts Plateaux area (South Kivu)

47. The Group gathered evidence indicating the existence of a strong alliance between FDLR and FRF in the Hauts Plateaux area (Fizi, Mwenga and Uvira territories). The present section of the report illustrates the building of this alliance, its modus operandi and the support received separately by both FDLR and FRF, respectively, from the FARDC's 123rd integrated battalion and 112th brigade.

48. FRF is an ethnic Banyamulenge militia, counting approximately 150 elements, and was originally founded by, among others, General Pacifique Masunzu, the current commander of the tenth military region mentioned above in connection with the diversion of equipment. General Masunzu was once a commander in the Rwandan backed Rassemblement congolais pour la démocratie-Goma (RCD-Goma) rebel movement and FRF was born out of what was called the "Masunzu rebellion" against RCD-Goma and Rwanda during the 1998-2003 war.

49. The Group received several consistent testimonies, including from several FDLR former combatants and a former FRF officer, of a growing alliance between FRF and FDLR elements that have moved to the Hauts Plateaux area since FARDC launched operations in the Mwenga, Uvira and Fizi territories of South Kivu starting in July 2009. The alliance between the two movements was reportedly sealed in September 2009, when an FDLR liaison officer was appointed within the FRF headquarters. FDLR and FRF have been loosely aligned since 2003.

50. FARDC officers, FDLR and FRF former combatants and an FDLR deserter interviewed by the Group during a visit to the Hauts Plateaux area in September 2009, confirmed that FDLR and FRF were already sharing accommodation at several locations, passing through each others' territories, taxing the same markets together and sharing the revenues. According to one FRF officer who demobilized in October 2009, the alliance between FRF and FDLR was cemented by a transfer of light and heavy weapons from FDLR to FRF around September 2009. An FDLR former combatant reported to the Group that just before the start of Umoja Wetu, in the strategic location of Kisanya in the Hauts Plateaux area, FDLR received a dozen boxes of 7.62 x 39 mm ammunition, seven boxes of ammunition for 12.7 mm machine guns and twelve RPG-7 rockets from FRF.

51. Between the end of September and the start of October 2009, FRF and FDLR were reported by MONUC staff as having attacked FARDC units deployed in the Hauts Plateaux area at Mikenge and Bijabo, as well as Mai Mai elements based near Kipombo.

52. The Group received a number of testimonies, confirmed by Congolese military justice reports, that FARDC military equipment deployed in the Hauts Plateaux area has been diverted into the hands of FDLR. FARDC military justice officials in Uvira confirmed the arrest in June 2009 of Captain Aburu of the FARDC 123rd battalion, as well as of two other elements of the same company, on charges of selling 750 rounds of 7.62 x 39 mm ammunition to FDLR in the market of Rutikita (Hauts Plateaux). This information corresponds to another case reported by the same military justice officials of Captain Sumpia, also of the FARDC 123rd battalion, who was arrested in February 2009 on similar charges. Other similar sales of ammunition in the Hauts Plateaux area are reported to have been made in 2009 to

both FDLR and FRF. As mentioned above (see paras. 23-30), the attempted diversion of ammunition from the tenth military region headquarters in Bukavu was also aimed at supplying FRF.

53. The Group has also received information of particularly close collaboration between FRF and the FARDC 112th brigade, based in Minembwe. The 112th brigade is an almost exclusively Banyamulenge brigade under the direct command of the tenth military region, and considers General Masunzu as its leader.

54. The Group gathered consistent testimonies from FARDC officers and local sources confirming that elements of the 112th brigade conducted joint military operations with FRF against Mai Mai units from 3 to 9 April 2009 in the Hauts Plateaux area. The Group notes a series of telephone communications involving calls made to and between telephone numbers identified by the Group as belonging to FRF, FARDC 112th brigade, FARDC, Colonel Tshitambwe (who, at the time of writing, was the commander of Kimia II operations in Fizi territory) and Lieutenant Colonel Lucien Nzabanita, the reserve brigade commander of FDLR, during this exact same period.

55. Senior FARDC military officials involved in Kimia II operations informed the Group that Colonel Tshitambwe is considered one of the most important military field commanders by President Kabila. One of these FARDC officials suggested that Colonel Tshitambwe had special economic interests in the Hauts Plateaux area but could not specify any further details. According to MONUC reports, since September 2009 Colonel Tshitambwe's deputy commander in his zone of operations in South Kivu is Major Joseph Mitabo, a former FRF officer who recently integrated into FARDC.

FDLR-RUD-URUNANA-Mai Mai Lafontaine Operational alliances in North Kivu among the Forces démocratiques de libération du Rwanda, the Rally for Unity and Democracy-Urunana and the Mai Mai Lafontaine

56. The Group obtained information showing financial and material support to the coalition of RUD-Urunana and Mai Mai Lafontaine in the northern section of North Kivu province, known as the Grand Nord. The Group has been investigating support given to a second coalition between FDLR and Mai Mai Lafontaine.

57. The Group gathered evidence from dozens of testimonies including demobilized and active FDLR and RUD-Urunana elements, MONUC staff members, intelligence officers of the Democratic Republic of the Congo, members of religious institutions and local politicians in the Grand Nord that one of the most important individuals anchoring the Lafontaine-RUD-Urunana and Lafontaine-FDLR support network was Kasereka Maghulu, also known as Kavatsi. Kavatsi is widely known by ex-fighters in the former rebel group Rassemblement congolais pour la démocratie-Kisangani/Mouvement de libération (RCD-K/ML) as a key financial and logistical ally of Mbusa Nyamwisi, during the period when Mr. Nyamwisi was leader of RCD-K/ML. Mr. Nyamwisi was Minister of Decentralization of the Democratic Republic of the Congo at the time of writing the present report.

58. Kavatsi, who operates the company Galaxy Airlines, which flies its AN-26 cargo aircraft throughout eastern Democratic Republic of the Congo, was nominated by Mr. Nyamwisi in 2008 as a facilitator for the relocation process for RUD-

Urunana when Mr. Nyamwisi was Minister for Foreign Affairs of the Democratic Republic of the Congo. During this period, Kavatsi supplied food to RUD-Urunana and General Kakule Sikula Lafontaine, who is pictured with Mr. Nyamwisi receiving cash from him, in January 2008, as part of the Government-sponsored integration process in 2008, under the Amani process (annex 7). Several RUD-Urunana and FDLR former combatants and active officers have informed the Group that the proposed relocation process for RUD-Urunana was used as a cover for the rearming of its troops.

59. A RUD-Urunana officer has confirmed that Kavatsi had frequent contacts with Major General Jean-Damascène Ndibabaje, alias Musare, the military commander of RUD-Urunana, and provided Musare with two satellite telephones in 2006. The officer also stated to the Group that Kavatsi frequently assisted RUD-Urunana in obtaining food supplies and ammunition in return for minerals or timber that it had exploited or traded. Two other RUD-Urunana officers confirmed to the Group that Kavatsi was also involved in facilitating money transfers for RUD-Urunana by Western Union. According to two additional RUD-Urunana former combatants, Kavatsi also hosted several RUD-Urunana officers and family members in his house, including the wife of Colonel Wenceslas Nizeyimana, alias Kit, the deputy military commander of RUD-Urunana.

60. In the course of several interviews, including with FDLR former combatants, the Group was informed that Kavatsi has been involved in pre-financing gold exploitation in the areas west of Lubero, jointly controlled by FDLR and Mai Mai Lafontaine elements, in return for providing general merchandise eventually transported into Butembo by Galaxy Airlines. An FDLR Lieutenant previously based in the gold-rich zone of Kasugho, west of Lubero, and a RUD-Urunana officer both interviewed by the Group stated that Kavatsi had provided FDLR North Kivu division commander, Colonel Pacifique Ntawungunka, alias Omega, with a satellite telephone in order to facilitate better contacts and subsequently maintain frequent contact with Omega. The Group also obtained phone records showing contacts between Omega and Kavatsi's son.

61. A RUD-Urunana former combatant interviewed by the Group in September 2009 stated that he was involved in two missions coordinated by Colonel Idelphonse Nkiranuye (alias Moses), the operations (G3) officer within RUD-Urunana, which were aimed at receiving weapons and ammunition at a location in the Butembo area in early July 2009. The former combatant provided the Group with a detailed description of the modus operandi of those missions. In the first operation, RUD-Urunana and Mai Mai Lafontaine elements walked seven days through the bush to Butembo in order to receive a quantity of arms and ammunition before transporting the equipment back over several days. A similar mission was repeated again a few days later. In total, 20 AK-47s, four machine guns, four 60 mm mortars, two 82 mm mortars and four rocket-propelled grenades were transported. According to a RUD-Urunana officer interviewed separately by the Group, the transaction was supervised by the son-in-law of Kavatsi, correctly identified by another RUD-Urunana former combatant from a picture shown to him by the Group. Witnesses in the Kasugho area also reported that new weapons supplies occurred into the area west of Kasugho in the month of July 2009.

62. A RUD-Urunana officer who surrendered in 2009 and was interviewed by the Group in the course of its present mandate reported that in 2008 Kavatsi was

instrumental in funding the visit to Butembo of Colonel Emmanuel Nyamuhimba, a former FDLR officer, resident of Brazzaville and currently the Overseas Defence and Mobilization Commissioner for RUD-Urunana. During the visit, Colonel Nyamuhimba reportedly met with Major Gregoire Sengahire and Colonel Emmanuel Rwigema, two officers of the Rassemblement populaire rwandais (RPR), a movement closely linked to RUD-Urunana (see annex 8). A RUD-Urunana former combatant separately interviewed by the Group described Colonel Nyamuhimba as instrumental in fund-raising and sending money to RUD-Urunana by Western Union. Colonel Nyamuhimba, using the alias Martin Nteziyayro, is suspected of having participated in planning meetings with Interahamwe militia during the Rwandan genocide.

63. The Group has investigated numerous reports of close connections between a RUD-Urunana liaison officer, known as Augustin Habiyaremye (alias Augustin Ndondo Shaba Deux, or Shabade), and Kavatsi. The Group obtained evidence that Mr. Habiyaremye has been receiving money transfers by Western Union from diaspora supporters (see paras. 102-105). Mr. Habiyaremye informed the Group that he transferred such funds to an employee of Kavatsi known as "Shabua", who according to another RUD former combatant, acts as a courier for supplies to RUD-Urunana. The Group has obtained telephone records showing a series of three telephone communications between Shabua and General Musare on 13 July 2009.

64. The Group received credible information on the presence in Uganda of various support networks to RUD-Urunana and FDLR networks in the Grand Nord area.

65. Through the Group's consultations with active officers and demobilized RUD-Urunana elements, it emerged that hundreds of recruits have been sourced by RUD-Urunana and FDLR networks since January 2009 from refugee camps in Uganda, near the border with the Democratic Republic of the Congo, in particular the camps of Nyakivale and Cyaka. Information received by the Group cites waves of recruitment in May, June, September and October 2009. Reportedly, former Forces armées rwandaises (FAR) officers were among the newly recruited elements.

66. On this particular issue, the Group interviewed a demobilized FDLR officer and a former RUD-Urunana officer. Acc to both, Colonel Nizeyimana, who as mentioned above has close connections to Kavatsi (see para. 59 above) and was transported by Kavatsi to the Democratic Republic of the Congo from Uganda in 2008, is one of the key organizers of these recruitments. According to the demobilized FDLR officer, Colonel Nizeyimana had also been instrumental in organizing the visit of FDLR president, Ignace Murwanashyaka, to Uganda in 2006, in violation of the latter's travel ban imposed in November 2005. During this well-documented visit, Mr. Murwanshyaka had subsequently been transported from the border of the Democratic Republic of the Congo and Uganda at Kasindi to areas around Kasugho.

67. The Group was given direct access by an RUD officer to an e-mail account managed on behalf of General Musare. The contents of the e-mail account showed discussions in Kinyarwanda between the e-mail account holder and an anonymous contact claiming to be part of a Tutsi monarchist movement called the "Mouvement Ruderhiwa pour la libération du Rwanda who wants to plan an attack against the Government in Kigali. The correspondence mentions, as a preparatory phase of the attacks, the possibility of infiltrating recruits via the Bunagana border post between

Uganda and the Democratic Republic of the Congo to participate in RUD-Urunana military training (annex 9).

B. Regional support networks

United Republic of Tanzania

68. The Group concluded during its previous mandate that the principal source of arms and ammunition for FDLR was FARDC. However, in the course of the current mandate, the Group established that FDLR received significant deliveries of weapons and ammunition in 2009 from outside the Democratic Republic of the Congo, in particular equipment smuggled into South Kivu across Lake Tanganyika from the United Republic of Tanzania. The Group has corroborated such information through several interviews with FDLR former combatants who personally witnessed such arms transfers, and from the Group's analysis of telephone records of an individual who is in communication with both FDLR and Tanzanian officials who the Group has confirmed as being part of an arms trafficking network (see paras. 72-81).

69. Four FDLR former combatants interviewed separately by the Group have confirmed several deliveries of weapons and ammunition to FDLR units based in the Uvira and Fizi areas of South Kivu since November 2008. One of the former combatants confirmed that he had been involved in offloading ammunition from boats arriving from the United Republic of Tanzania on the Congolese side of Lake Tanganyika several times in 2009. The last delivery he was involved in was in April 2009, when he helped offload ammunition and 82 mm mortars in boxes near Kavimvira, the lakeside border region between Burundi and the Democratic Republic of the Congo. In the course of the same interview, he declared that his commander had informed him that the ammunition had been sent across from the United Republic of Tanzania. Another FDLR former combatant stated that he saw an FDLR column in March 2009 moving R-4 assault rifles, AK-47s, around 100 rocket-propelled grenades and boxes of ammunition previously delivered by truck to Lulimba in South Kivu. He had been informed by the officers in the column that the delivery had come across Lake Tanganyika from the United Republic of Tanzania. Another FDLR former combatant testified to the Group that he had been involved in offloading a truck which delivered around 100 boxes of ammunition, 10 machines guns and several rocket-propelled grenades in the Uvira area in November 2008. The fourth former combatant also stated to the Group that he had witnessed a large delivery of ammunition and 107 mm rockets in the Kigushu area of Uvira territory in January 2009.

70. The same four former combatants, as well as several others separately interviewed by the Group from the Uvira and Fizi territories of South Kivu, have reported that the coordination of weapon and ammunition deliveries from the area of Lake Tanganyika was supervised by Lieutenant Colonel Félicien Nsanzubukire (alias Fred Irakeza) and Major Mazuru (who is in contact with Colonel Nakabaka of the FARDC, as described in para. 33 above); both FDLR officers are based in the Sange area of Uvira. FDLR former combatants also confirmed that Lieutenant Colonel Nsanzubukire travelled to Kigoma, on the Tanzanian side of the lake, a number of times. The Group has also confirmed that the FDLR Deputy Commander, Major General Stanislas Nzeyimana (alias Bigaruka), listed by the Committee in

March 2009, has travelled to Kigoma frequently over the past few years (annex 10) and has often been in telephone contact with Major Mazuru in 2009. Other FDLR former combatants informed the Group that Major Mazuru also travelled with large amounts of cash to the United Republic of Tanzania and Burundi to sell gold and to recruit young Hutus from Rwanda, Burundi and the refugee camps near Kigoma.

71. An FDLR former combatant who managed Lieutenant Colonel Nsanzubukire's communications devices declared to the Group in late April 2009 that FDLR president Ignace Murwanashyaka had been in frequent and direct contact with Colonel Nsanzubukire in 2009, and that Mr. Murwanashyaka instructed him to use all necessary ammunition against the Kimia II operations as further deliveries were expected from outside the Democratic Republic of the Congo.

72. In the course of numerous interviews held in the Democratic Republic of the Congo, the United Republic of Tanzania and Burundi, the Group was informed that Bande Ndangundi, a Congolese resident of Dar es Salaam, United Republic of Tanzania, who has been spending long periods of time in Burundi in 2009, has coordinated the delivery of military equipment to FDLR. Mr. Ndagundi, originally from Sange (Uvira territory) has lived in Dar es Salaam for almost 30 years and was once an associate of Laurent-Désiré Kabila, when the former president of the Democratic Republic of the Congo lived in the United Republic of Tanzania. According to a Tanzanian-based individual close to Mr. Ndagundi, the latter maintains close connections to Mai Mai communities that helped launched Laurent Kabila's rebellion, and has been working to form an FDLR, FNL and Mai Mai coalition to destabilize eastern Democratic Republic of the Congo and thereby increase his political relevance. Information gathered from Congolese security agencies and individuals close to Mr. Ndagundi's entourage corroborate that his principal objective is to advance his economic interests in eastern Democratic Republic of the Congo and that he was the principal financier of the 9 April 2009 joint attack by FDLR, FNL and Mai Mai on Uvira (which has been covered in paras. 30 and 34 of the present report).

73. The Group has obtained Mr. Ndagundi's Burundian telephone records, which show he has communicated with Lieutenant Colonel Nsanzubukire and with Fudjo Zabuloni, in early 2009, and subsequently has been in contact several times with Major Mazuru (see para. 33 for details on contacts between Zabuloni, Mazuru and Colonel Nakabaka). Additionally, he was also repeatedly in contact with two FDLR officers based respectively in Lemera (South Kivu) and Lubero territory (North Kivu), and with a senior FARDC military officer based in the Ruzizi plain, historically a stronghold of FDLR and FNL, in South Kivu.

74. The Group has been informed by several sources, including a source close to Mr. Ndagundi, that he has close links to the ruling Counseil national pour la défense de la démocratie-forces pour la défense de la démocratie (CNDD-FDD) party in Burundi, as well as senior officials in the Government, police and military of the United Republic of Tanzania. These allegations appear to be corroborated by the fact that Mr. Ndagundi's telephone records show frequent communications between himself and support staff of senior Tanzanian ruling party officials, as well as a senior officer in the Tanzanian military. The Group continues to investigate these individuals. Mr. Ndagundi's Burundian telephone records also show 27 communications from April to September 2009 between himself and the number used by Francis Ndoluwa, the ambassador of the United Republic of Tanzania to

Burundi, a former general in the Tanzanian military. A source close to Mr. Ndagundi informed the Group that he works closely with the Ambassador.

75. The Group has obtained original e-mail correspondence written by Mr. Ndagundi, which he states that he has high-level connections to officials in the Government of the United Republic of Tanzania (annex 11). In one e-mail, dated 17 July 2009, he writes that he is able to introduce his interlocutor to "high ranking" Tanzanian officials. In another e-mail, dated 24 July 2009, he tells his interlocutor that he can introduce him to "the Tanzanian authorities". In a further e-mail, on 29 July 2009, he writes to his interlocutor that he has contacted the Tanzanian authorities, adding that he has lived in the United Republic of Tanzania for 27 years, which gave him the "opportunity to interact with them when we were all young in the same town — Dar es Salaam". He also adds that "we know each other very well and they know my stance in this situation".

76. In the same e-mail, Mr. Ndagundi denounces operation Kimia II, describing it as part of a Rwandan conspiracy to expand its influence into South Kivu through military operations spearheaded by former CNDP units, and states that he plans to "fight them out of town(s) like Uvira, Bukavu, Fizi and so forth".

77. The Group has been informed by a number of sources, including Congolese intelligence agents and business people, that the motivations of Tanzanian officials in supporting Mr. Ndagundi are related to attempts to retain Tanzanian influence over politico-economic interests in South Kivu, notably the smuggling of fuel across Lake Tanganyika to the Democratic Republic of the Congo from the United Republic of Tanzania, as well as the smuggling of mineral resources from South Kivu to the United Republic of Tanzania. The Group continues to investigate the veracity of such information.

78. Interviews held by the Group consistently describe Mr. Ndagundi as close to various economic operators in Kigoma, Uvira and Bukavu, as well as having other international business connections. This profile is corroborated by the analysis of his telephone call details, showing that he has communicated 16 times between April and July 2009 by text message to a telephone number in Portugal that is registered to a shipping company, Seamaster-Agentes De Navegacao. He has also been in telephone contact 41 times, between April and September 2009, with a Ugandan businessman called Roy Joseph Ziwa, who used to own DAS Air and DAS Handling Services in Entebbe, Uganda. Mr. Ndagundi was also in telephone contact 62 times, during the same period, with a South African businessman who appears in South African police files for allegedly attempting to buy illegal diamonds and who is known to have travelled regularly in the past to the Democratic Republic of the Congo. The Group continues to investigate these and other telephone contacts made by Mr. Ndagundi in France, Italy, Kenya, the Netherlands and Rwanda.

79. The Group has also obtained original e-mail correspondence where Mr. Ndagundi provides banking details to receive donations (see annex 12). The accounts belong to various individuals based in Bukavu, Bujumbura and Dar es Salaam, and the Group is currently analysing banking documents related to these accounts. Mr. Ndagundi also mentions the possibility of involving a Portuguese contact in Lisbon in financial transactions. The Group had asked the Portuguese authorities for assistance in investigating shipments related to Seamaster-Agentes, a company that has also obtained United Nations contracts in the past, and is currently in the process of waiting for these documents.

80. The Group obtained information from sources in the Democratic Republic of the Congo and the region alleging that Colonel Nakabaka had organized a consignment of AK-47s which were received at the port of Uvira on 25 or 26 June 2008 and which had been delivered from Kigoma, United Republic of Tanzania, aboard a boat called the *Dieu Merci*, owned by a businessman who is a known associate of Mr. Ndagundi. The *Dieu Merci* was also observed in September 2008 by two members of the Group at the port of Kigoma, where a witness at the port had also separately informed the Group that the boat had been hauled out of the water for engineering work, and was seen surrounded by Tanzanian military and police while an engineer sealed a hole on the underbelly of the vessel.

81. In the course of its investigations in South Kivu, the Group was also informed about other related arms trafficking networks operating between the United Republic of Tanzania, Burundi and the Democratic Republic of the Congo.

82. Three different directors of the Agence nationale de renseignements (two in Bukavu and one in Uvira) informed the Group that Jean Jacques Ramazani, an alleged Mai Mai leader, was arrested in Bujumbura in 2008 on charges of arms trafficking and subsequently transferred to the Democratic Republic of the Congo authorities in Kinshasa via Uvira and Bukavu. The Group has seen a copy of Mr. Ramazani's interrogation statement given while in detention under the control of the Agence nationale de renseignements, where he admits to having connections to businessmen in Uvira. The Group was unable to confirm the whereabouts of Mr. Ramazani from the Democratic Republic of the Congo authorities. However, the Group showed a picture of him (annex 13) to Agence nationale de renseignements officials in Kinshasa and was informed by one of them that he had seen Mr. Ramazani in the area of Baraka, South Kivu, in April 2009, and that Mr. Ramazani was in fact working on behalf of Dunia, an influential Mai Mai leader based in the Ubware Peninsula South Kivu. The Group has separately interviewed an eyewitness who reported that he met Mr. Ramazani in South Kivu in October 2009. A source close to Mr. Ndagundi informed the Group that Mr. Ndagundi has approached Dunia to form an alliance. The Group continues to investigate this specific allegation.

83. The Group has annexed a diagram (annex 14) showing the relationship between various trafficking networks, FARDC and different non-State armed groups.

Burundi

84. In the Democratic Republic of the Congo, Burundi and Rwanda the Group received several credible reports and testimonies that Burundi is being used as a rear base for FDLR recruitment and support networks. Several FDLR former combatants interviewed by the Group in Rwanda stated that they were aware of at least several hundreds of FDLR recruits being recruited in Rwanda and infiltrated through Burundi with the assistance of local traders since 2005. This recruitment has been handled mainly by FDLR officers in the zone of Uvira (Democratic Republic of the Congo), and in particular by Major Mazuru, according to several interviews.

85. According to one FDLR former combatant interviewed separately by two members of the Group in May 2009, the transit routes for this recruitment have remained open during the course of 2009, and, in the first five months of 2009, he had been aware of 150 new recruits arriving in Uvira through Burundi via the Ruzizi

plain. Similarly, the Group has obtained further eyewitness accounts, as well as confirmation from interlocutors in the Democratic Republic of the Congo and Burundian security services, that during the months of July and August 2009, several FDLR elements were observed fleeing FARDC military operations into Burundi.

86. Between 25 July and 25 August 2009 at least four separate incidents of infiltration of FDLR elements into Burundi took place. Eyewitness and security agency officials counted 40 personnel in total during these incidents, although the Group believes the figure could be substantially higher. On the basis of these accounts, the Group is of the view that the infiltrations were ordered by the FDLR high command to allow the Uvira sector bases to evacuate important documentation and other material from FARDC operational zones into Burundi.

87. The Group obtained several testimonies that FDLR maintains a relationship with General Adolphe Nshimirimana, Burundi's head of intelligence, as well as with top Burundian police officers. This information has been corroborated by several active FDLR elements, regional security agencies, Government of Burundi officials and members of civil society. The Group has also obtained telephone records showing 13 communications between Colonel Agricole Ntirampeba, the chief of staff of General Nshimirimana, and Major Mazuru of FDLR between June and August 2009. In October 2009, an FDLR liaison officer also confirmed that FDLR collaborates with General Nshimirimana and Colonel Ntirampeba, especially through the provision of logistical arrangements and medical assistance.

88. The Group obtained information on the delivery of large numbers of light and small calibre weapons to Burundi during 2008, delivered on special flights arriving at Bujumbura international airport and collected by officials from the Presidency and other security agencies. Burundian security officials have confirmed some of these deliveries, which they claim have not been accounted for in official stockpiles.

89. The Group has hard evidence of an attempted purchase of a cargo of 40,000 Steyr AUG assault rifles and ammunition officially for the Burundian police and organized by a Burundian delegation which travelled to Malaysia. The Group estimates that such an arms consignment for the Burundian police is excessive, given that the Burundian police number no more than 20,000. The Group has repeatedly sought further clarifications from the Malaysian authorities on this consignment and was informed by the Malaysian authorities in the days before submission of the present report that no sale of arms took place; the Group is verifying that information. The Group has annexed documents related to this consignment (annex 15).

C. Forces démocratiques de libération du Rwanda and Rally for Unity and Democracy-Urunana diaspora and international support networks

Diaspora leadership

90. The Group has conducted an unprecedented amount of research into the role and influence of the FDLR and RUD-Urunana diaspora leadership based in Europe, North America and Africa. Hundreds of FDLR and RUD supporters are based throughout these regions, having immigrated to various countries en masse from

1994 onwards. Some of these supporters have taken up citizenship and regular employment in their host countries. Support by the diaspora is provided through fund-raising and propaganda exercises and money-laundering activities, but it also includes the coordination by the supreme leaders of these movements, based in Europe, Africa and North America, of FDLR and RUD-Urunana's military strategies in consultation with military leaders based in the Democratic Republic of the Congo. Some of these supporters and leaders are suspected participants of the 1994 Rwandan genocide. The Group maintains the view that without this external support, the FDLR's and RUD-Urunana's operations on the ground in the Democratic Republic of the Congo would be significantly disrupted.

91. The Group obtained from an FDLR active element a document stamped with an FDLR seal which clearly indicates that the FDLR political leaders in the diaspora also function as military officials (see excerpts in annex 16). In particular, Ignace Murwanashyaka, the Germany-based president of FDLR, is cited as the supreme commander of the FDLR armed forces. Straton Musoni, the Germany-based vice-president of FDLR, is cited as the president of the FDLR military high command (along with Democratic Republic of the Congo-based Brigadier General Gaston Iyamuremye, the second vice-president of FDLR), while Callixte Mbarushimana, the France-based executive secretary of FDLR (also listed in March 2009 by the Committee) is cited as the vice-president of the FDLR military high command. Article 41 of the statutes notes that the president and vice-presidents of FDLR are the legal representatives of the movement (see annex 17 for an organizational chart of the core FDLR military and political leadership). Dozens of FDLR former combatants interviewed by the Group refer to Mr. Murwanashyaka as their supreme leader.

92. The Group has obtained information that the FDLR leadership in Germany has been in frequent contact with FDLR military officials between September 2008 and August 2009. The Group documented more than 240 telephone communications between Mr. Murwanashyaka and satellite telephones used by FDLR military field commanders, including General Sylvestre Mudacumura (listed by the Committee in November 2005). The Group has also obtained several eyewitness accounts from FDLR former combatants that Mr. Murwanashyaka was involved in giving military orders to the high command during some of these communications (see also paras. 57-59 of the Group's interim report in document S/2009/253).

93. To further corroborate the modus operandi of the FDLR chain of command, the Group worked in collaboration with an FDLR former combatant who in turn obtained information in the presence of the Group from a radio operator active in the Democratic Republic of the Congo. This conversation, which was heard and transcribed by the Group, related to military instructions issued in March 2009 by the FDLR high command to attack civilian populations and hospitals (see annex 18 for a transcription made by the Group as the radio operator read out the instructions). Four FDLR former combatants, two of whom were senior officers, reported that they had received similar orders to act against the civilian population following the end of Umoja Wetu. Dozens of FDLR former combatants have also stated to the Group that orders of this nature must be given by General Mudacumura, who in similar circumstances consults first with Mr. Murwanashyaka.

94. The Group obtained testimonies from FDLR former combatants that Mr. Murwanashyaka has been involved in coordinating the transfer of arms and

ammunition to FDLR units and relaying specific instructions on their use (see para. 71 above for one example). The Group also obtained evidence that Mr. Murwanashyaka has been involved in managing large sums of money that had been raised through the illicit sale of natural resources derived from areas under the control of FDLR. This money is used by the leadership to pay for operational needs such as the telephone bills of satellite telephones used by the FDLR military high command. Some of these funds, together with others that have been raised externally by the leadership, are then transferred back to FDLR officers in the Democratic Republic of the Congo via bank transfer and through Western Union and other money transfer agencies for uses such as medical treatment for FDLR officers.

95. The Group obtained evidence that Etablissement Muyeye, one of the biggest mineral trading houses in Bukavu, has organized the transfer of funds through Western Union to individuals in Germany who are helping Mr. Murwanashyaka violate the terms of the assets freeze imposed upon him by the United Nations and the authorities of Germany (Etablissement Muyeye was cited in paras. 78-88 of the Group's report in December 2008 (S/2008/773) and paras. 164-172 of the present report for purchasing minerals from FDLR areas). The Group was informed by an employee and a family member of Mr. Muyeye Byaboshi, the owner of Etablissement Muyeye, that Mr. Muyeye was transferring money to Germany on behalf of FDLR. The employee of Mr. Muyeye showed the Group some receipts for such money transfers. They included payments of several thousand dollars, and the most recent had been made as late as April 2009. The transfers were all made in the name of Jean Marie Shamavu, an associate of Mr. Muyeye in Bukavu, to Metete Nzita in Germany, who is an agent of Mr. Murwanashyaka in Germany, according to several sources close to FDLR.

96. Separately, the Group obtained copies of two different money transfers made by Mr. Shamavu and his son in Bukavu to Mr. Nzita and his wife in Germany on 4 June 2008 (annex 19). The first transfer was sent by Arnold Munguakonkwa, the son of Mr. Shamavu, to Apendaki Aimee Tchuma, the wife of Mr. Nzita, and was worth $6,260. The second transfer was made by Mr. Shamavu to Mr. Nzita and was worth $7,320. The Group has requested the German authorities for further details on these transfers and is waiting for a response.

97. The Group confirmed that one of the telephone numbers called in Germany by FDLR military leaders in the Democratic Republic of the Congo belongs to Brigitte Musoni, the wife of Straton Musoni, vice-president of the FDLR who was designated by the Committee in March 2007. The Group has obtained a copy of a Western Union transfer made in August 2005 by Brigitte Musoni to Jules Mateso Mlamba, the alias of FDLR General Stanislas Nzeyimana (also known as Bigaruka) (annex 20) (see paras. 70, 102, 104, 108, 109, 117 and 119 for further information on Bigaruka). The transfer was worth €300. The Group has confirmed the alias name of Jules Mateso Mlamba through a family member of Bigaruka.

98. The Group focused on 15 FDLR and RUD-Urunana leaders, including those based in the Democratic Republic of the Congo and those who are considered by both Congolese and Rwandan intelligence officials as the most influential diaspora leaders and coordinators. The list is annexed for ease of reference (annex 21). The Group also attempted to identify and profile the activities of the owners of the telephone lines in Europe, North America and Africa that appear frequently on the

satellite telephone records of FDLR military commanders, as well as individuals who have been involved in money transfers to FDLR military leaders.

99. The Group analysed the records of satellite telephones used by FDLR military high commanders and found frequent communications between these numbers and 25 different countries in Europe, North America and Africa between September 2008 and August 2009 (see table in annex 22, which analyses the frequency and duration of the calls). In particular, the Group identified a high degree of communications between FDLR military commanders and contacts in Germany, Belgium, France, Norway, the Netherlands, the United Republic of Tanzania, Uganda, the Congo (Brazzaville) and Rwanda. The Group has also been analysing the logs of local SIM cards used by FDLR commanders and found a high degree of frequency of calls to Burundi (see paras. 84-89 for further information on the FDLR's Burundian contacts).

100. Apart from calls made in Germany to Mr. Murwanashyaka and Mr. Musoni, the Group also identified that one of the numbers called in Germany by the FDLR military leaders belongs to Marie-Goretti Stock, a woman who was born in Gisenyi, Rwanda, in 1981. The Group is further investigating this individual's activities.

101. The Group identified 21 telephone numbers in France that have been in contact with FDLR military satellite telephones between September 2008 and August 2009. The Group has made several requests to the Government of France since September 2008 to ask for these numbers to be identified, but is still waiting for relevant feedback. In particular, the Group notes that it was unable to obtain any relevant information from the French authorities regarding Mr. Mbarushimana, who was listed by the Committee in March 2009. The Group also notes that Emmanuel Ruzindana and Ngirinshuti Ntambara, reportedly the Political Affairs and Foreign Affairs commissioners of the FDLR's executive commission, are — among others still being identified by the Group — also resident in France. The Group stresses the importance of obtaining access to relevant information from the French authorities in order to exclude the conclusion that France is being used as a base for the activities of FDLR leaders and supporters in the diaspora.

102. The Group also researched the presence of possible FDLR networks in Belgium and the Netherlands, which together host the largest Rwandan diaspora communities in Europe. The Group identified several numbers in Belgium in contact with FDLR military leaders, including Lieutenant Colonel Théophile Gakara, a former Major in the ex-FAR and former head of personnel of the Gendarmerie during the Habyarimana regime. Lieutenant Colonel Gakara was also a commander in the Armée pour la libération du Rwanda, a precursor group to FDLR. Jean-Pierre Habimana, the former head of judicial police in Kigali under the Habyarimana regime, was identified by the Group as being in communication with FDLR field commanders. A third number belongs to Faustin Murego, a former officer in the former Rwandan army. The Group also obtained Western Union receipts showing transfers of money from Mr. Murego to the FDLR's deputy military commander, Bigaruka, and his wife, who uses the alias Debora Shukuru (annex 23). A fourth number belongs to Gerard Hakizimali, whose brother is reportedly fighting in FDLR. Gerard Hakizimali was identified by the Group on a number of Western Union transfers made to a RUD-Urunana liaison officer known as Augustin Ndondo Shaba Deux (or Shabade) in North Kivu (annex 24). A fifth telephone number was identified as belonging to Joseph Ngirabanzi, an employee of the Belgian Federal

Police who, according to members of the Rwandan diaspora, is active in fund-raising for FDLR, and whose brother was fighting for FDLR until he was killed during Operation Umoja Wetu. Another number belongs to Venant Musonera, who obtained Belgian citizenship in 2005, but who was a militia commander in Rwanda in the run-up to the 1994 Rwandan genocide. Finally, a seventh number belongs to Deogratias Mushayidi, a Rwandan opposition activist.

103. The Group confirmed that the FDLR military leaders are also in telephone contact with diaspora members of the Forces démocratiques unifiées (FDU) (FDU-Inkingi) political party in Belgium, including Jean-Baptiste Mberabahizi, and Naom Mukakinani, who is married to FDU-Inkingi politician Michel Niyibizi. The Group shows below that Victoire Ingabire, the president of FDU, who is based in the Netherlands, has attended "inter-Rwandan dialogue" meetings with pro-FDLR participants (see para. 114 below).

104. The Group identified a number of other FDLR supporters living in Belgium and the Netherlands, including Balthazar Iyamuremye, a legal adviser to FDLR. The Group obtained a receipt of a Western Union transfer from Mr. Iyamuremye, to Bigaruka's wife in Kigoma, United Republic of Tanzania, in 2008, as well as money transfers made to Bigaruka and his wife by Clement Shimo, a resident of Hilversum, the Netherlands (annex 25). The Group also notes that Anastase Munyandekwe, a former spokesman of FDLR and a Belgian citizen, has been an important figure in coordinating FDLR financial activities, and also made money transfers to Bigaruka (see para. 119).

105. It also emerged from the analysis of telephone logs that FDLR military leaders have been in frequent telephone contact with Emmanuel Munyaruguru, one of the most significant FDLR and RUD-Urunana diaspora supporters, who is based in Norway. FDLR field commanders were also in communication with Edmond Habiyambere, Liliose Habiyambere and Fulbert Habiyambere, who are all family relatives of Mr. Munyaruguru, as well with as other individuals in Norway still being identified by the Group. The Group has been informed by Government officials in a western country and an FDLR former combatant that Mr. Munyaruguru has been involved in significant money transfers coordinated between himself and his younger brother, Felicien Kanyamibwa, the executive secretary of RUD-Urunana based in New Jersey, United States. The Group did not find documentary evidence on money transfers relating to Mr. Munyaruguru. Nevertheless, the Group obtained details of a series of Western Union transfers made by Felicien Kanyamibwa and other United States- and European-based individuals to Augustin Habiyaremye (alias Augustin Ndondo Shaba Deux or Shabade), a RUD-Urunana liaison officer operating in Lubero territory, North Kivu (see annex XXIV and paras. 63 and 102 for more details on Mr. Habiyaremye).

106. In addition to France, the Group did not receive cooperation from several other European and North American countries, including the United Kingdom and the United States, concerning its enquiries into telephone numbers in contact with FDLR military satellite telephones. The main reason for this has been legal obstacles related to privacy laws, and to the lack of a mechanism at the national level in several countries to subpoena information, or issue a court warrant, on the basis of information provided by the Group of Experts. For the similar purpose of solely identifying the users of telephone numbers in contact with FDLR commanders, the Group addressed official correspondence to a number of African

States, including Burundi, Cameroon, the Congo, Kenya, Mozambique, Rwanda, the United Republic of Tanzania and Zambia. At the time of writing, all such requests remained outstanding.

107. The Group continues to investigate a number of FDLR contacts in Uganda, including a Kampala-based trader who has been in contact with FDLR satellite telephones over 600 times from August 2008 onwards. The Group has discussed the matter with the Ugandan authorities. The Group has received information from an FDLR former combatant, which has been corroborated by public reports, that Colonel Sylvestre Sebahinzi, alias Zinga Zinga, the former military prosecutor of FDLR, has moved to Zambia where he has started commercial activities. According to several reports, large numbers of FDLR personnel who retreated from positions in South Kivu during Kimia II have fled to Zambia.

108. The Group is also aware of a number of key FDLR and RUD-Urunana supporters operating within the Democratic Republic of the Congo who form part of the international network of FDLR and RUD-Urunana. The Group obtained information that Hyacinthe Rafiki Nsengiyumva, alias John Muhindo, a former Rwandan minister currently based in Kinshasa, continues to be an important coordinator of RUD-Urunana and FDLR activities and financing. Mr. Nsengiyumva was a negotiator in the Kasiki relocation process that was manipulated and resulted in rearming the RUD-Urunana (see para. 58). The Group obtained a Western Union transfer receipt showing that John Muhindo sent $200 from Kinshasa via Western Union to Bigaruka in May 2008 (annex 26). Gérard Rucira, the FDLR Finance Commissioner, and Elodie Mukashema, an FDLR officer who is a relative of General Mudacumura, have both lived in Lubumbashi, Democratic Republic of the Congo, and are known by Congolese intelligence to be prosperous "business people".

109. The Group has attached to the present report a table summarizing all the Western Union transfers it has obtained that were sent to Bigaruka by FDLR supporters (annex 27), including by a contact known as Tsotso, who is reportedly an FDLR gold trader in Lubero territory, North Kivu.

110. The Group endeavoured to seek the collaboration of the authorities in France, Germany, the United Kingdom and the United States in order to obtain information regarding payments for maintenance of the FDLR website (www.fdlr.org) which was until mid-2009 hosted on a local German server belonging to a French parent company (www.OVH.net). The website was an important propaganda and fund-raising tool, registered in the name of Mr. Murwanashyaka, until a German newspaper reported these facts in September 2009 and the German subsidiary of OVH.net closed the FDLR account. As such, the Group maintains the view that any individual(s) paying for the FDLR website was or were assisting Mr. Murwanashyaka to violate the terms of the United Nations-imposed assets freeze on him and the arms embargo. The website has subsequently remained in service, having migrated through different domain registries (www.amenworld.com and www.amen.fr), giving contact details first in the United Kingdom and subsequently in France before being registered with a United States-based company, Network Solutions, in the name of Innocent Nzayihorana. In September 2009 the Group wrote to the authorities in France, Germany, the United Kingdom and the United States to request further details on who continues to pay for the FDLR website, but has yet to receive any reply. The Group has also asked the German

authorities for copies of e-mails in Mr. Murwanashyaka's frozen e-mail account and has not received a reply.

Support from individuals belonging to religious institutions and charitable groups

111. The Group collected information on individuals affiliated with the Catholic Church and other religious and charitable institutions operating within and outside the Democratic Republic of the Congo who provide financial and material support to FDLR. While the Group is aware that religious and charitable organizations operating in conflict-affected zones are involved in humanitarian activities that support the refugee communities, and often inevitably end up having some contacts with members of non-governmental armed groups, the Group has nonetheless identified at least two cases of intentional support provided by representatives of religious institutions and charitable organizations to FDLR. The Group obtained information to the effect that these cases form the basis of a wider network.

112. One case relates to financial support provided to FDLR through funding received by Fundació S'Olivar and Inshuti, both Spanish charitable organizations. On the basis of testimonies, original e-mail correspondence, audio recordings of conversations, telephone log analysis and receipts of money transfers, as well as other documents, the Group established that FDLR has received regular financial, logistical and political support from individuals belonging to the above charitable institutions which, in turn, were funded directly or indirectly from the government of the Balearic Islands, a provincial authority in Spain.

113. An FDLR liaison officer who had been part of a weapons transfer between FNL and FDLR in December 2008 stated to the Group that he had been in touch with Joan Casoliva, a Spanish citizen in contact with the government of the Balearic Islands in Spain, who had promised to the FDLR liaison officer that he would raise up to $200,000 for FDLR.

114. The Group confirmed that Joan Casoliva was listed in 1999 as the president of an organization called Inshuti, which runs a Barcelona-based website posting articles alleging war crimes committed by top officials in the Rwandan Government and military, as well as hosting a link to the FDLR website. Mr. Casoliva was listed as an observer of an "inter-Rwandan dialogue" meeting held in Spain in April 2009 and supported by the government of the Balearic Islands (annex 28). Participants of that meeting included Jacques Kanyamibwa, a former Rwandan air force pilot who has publicly lobbied for the release of two Rwandan genocide suspects arrested in France. Other participants included Esperance Mukashema who, according to several sources in the Democratic Republic of the Congo is a family member of General Sylvestre Mudacumura, and Victoire Umuhoza Ingabire, a Rwandan opposition politician (see para. 103 for more on Ms. Ingabire). Facilitators and observers at this meeting also included Pere Sampol, a Spanish senator, and Juan Carrero, another Spanish citizen, who runs the organization Fundació S'Olivar, which is among the sponsors of the prosecution through the Spanish courts of current Rwandan Government and military officials, for their alleged involvement in war crimes and revenge killings committed after the Rwandan genocide, including the assassination of several Spanish citizens in Rwanda during that period. Mr. Carrero has taken part in political activities with Felicien Kanyamibwa, now the United States-based executive secretary of RUD-Urunana. Mr. Carrero and

Mr. Sampol visited the Prime Minister of the Democratic Republic of the Congo, Adolphe Muzito, in February 2009 in Kinshasa, and were accompanied by Josep Ramon Balanzat, the Director General of the International Cooperation Agency of the government of the Balearic Islands.

115. Documents show that Fundació S'Olivar received €198,000 between 2001 and 2008 from the Fons Mallorquí de Solidaritat i Cooperació, a trust established by various mayoral offices in the Balearic Islands, in order to sustain the prosecution of officials of the Rwandan Patriotic Front (RPF) through the Spanish courts (annex 29). Mr. Casoliva reportedly worked on and off for Fundació S'Olivar during the same period of time.

116. The Group has obtained two audio recordings of a priest of Rwandan origin based in Spain, Jean-Berxchmans Ntihabose, whose Spanish telephone number has also appeared several times since 2008 on the logs of a satellite telephone controlled by General Mudacumura (annex 30). During the course of the audio recordings, Mr. Ntihabose admits that he has been in touch with a colonel in FDLR via telephone and acknowledges knowing Mr. Casoliva. He goes on to say that Mr. Casoliva and a Belgian priest, Constant Goetschalckx, who was until recently based in Kigoma, United Republic of Tanzania, provided money to FDLR operatives who crossed Lake Tanganyika to Kigoma from the Democratic Republic of the Congo. The Group obtained e-mail correspondence from Mr. Ntihabose confirming that he attended the same seminary as his close friend Jean-Berchmans Turikubwigenge, a Rwandan refugee and Italian citizen, who has also been in telephone contact with FDLR military leaders according to telephone logs, who attended the RUD-Urunana talks in the Democratic Republic of the Congo in 2008, and who was a military chaplain in Rwanda during the 1994 genocide (annex 31).

117. Mr. Goetschalckx has been the Kigoma-based leader of a religious organization called the Brothers of Charity (see annex 32), a papal congregation with a widespread representation in the world and consultative status at the Economic and Social Council of the United Nations, which supports projects to help people in the refugee camps in Kigoma. In 2007, Brothers of Charity received the Opus Prize, a 1 million dollar prize awarded to humanitarian faith-based organizations for social innovation. Mr. Goetschalckx lived for many years in Rwanda before coming to the United Republic of Tanzania and is known to have anti-Tutsi political views according to interviews held in Kigoma by the Group. On 18 July 2009, the Group called Tanzanian numbers appearing on the telephone logs of FDLR deputy commander General Bigaruka, and asked to speak to Mr. Goetschalckx. The Group subsequently received a text message within a matter of minutes from a telephone number that the Group had already confirmed as belonging to Mr. Goetschalckx (annex 33).

118. The Group has confirmed with immigration authorities that Mr. Casoliva visited the Democratic Republic of the Congo on 29 July 2009 and was subsequently seen by Congolese witnesses interviewed by the Group in Uvira, holding meetings with two agents known as "Maestro" and "Odette" and who are known to be FDLR agents. According to officials at the Brothers of Charity, Mr. Casoliva stayed with Mr. Goetschalckx in Kigoma before travelling to Burundi and subsequently to Uvira.

119. The Brothers of Charity received donations from several institutions, including Fundació S'Olivar over the past few years, according to organizational brochures.

Some of these donations were funnelled into a sister organization of the Brothers of Charity in Kigoma called the Ahadi Institute (annex 34). The Group obtained Western Union receipts indicating that the programme manager of the Ahadi Institute, Edison Bashimbe Nshombo, received money transfers twice in 2006 (totalling about $500 in today's dollar value) from Anastase Munyandekwe, a Belgian citizen of Rwandan origin who was until recently the spokesman for FDLR, and who is a loyalist of Mr. Murwanashyaka. Mr. Bashimbe reported that he had passed this money over to the wife of Bigaruka, the FDLR deputy military commander, who was in Kigoma at that time. The Group obtained separate Western Union receipts showing money transfers from other members of FDLR diaspora residents in Canada and the Netherlands, to Paul Riwa, a priest in Kigoma who has held prayer sessions together with both the wife of Bigaruka and the wife of Mr. Bashimbe. The latter reportedly administers medical treatment to wounded FDLR in the region (annex 35).

120. A second case involving individuals affiliated with religious institutions relates to a support network spearheaded by an Italian priest based in the Democratic Republic of the Congo. The Group obtained the original copies of e-mail correspondence showing links between Italian citizens who are members of the Italian Catholic Church with FDLR units on the ground in eastern Democratic Republic of the Congo, as well as with Mr. Murwanashyaka in Germany. These Italian individuals are involved in widely translating and disseminating propaganda tracts for consumption in Italy, helping in fund-raising activities and supplying FDLR with logistical and financial help on the ground.

121. The Group obtained e-mail correspondence from Pier Giorgio Lanaro, a Catholic missionary of the Severiens congregation and an Italian citizen based in Kasongo (700 km from Bukavu), referring to direct communications he had with Ignace Murwanashyaka (annex 36). In some of Mr. Lanaro's e-mails he included large tracts of propaganda, which he encouraged recipients to disseminate widely.

122. In his communications, Mr. Lanaro explains that he gave direct support to FDLR in South Kivu on several occasions, notably on one occasion when he supplied $2,000 to a group of FDLR seeking refuge in mountainous regions of South Kivu. This money was used to cover the costs of sheeting material and medicines used by FDLR units and their dependants in forested regions near Kashindaba and Shabunda, in South Kivu. Out of these funds, $100 was transmitted directly to the second in charge of FDLR, according to Mr. Lanaro's communications (annex 37).

123. According to Mr. Lanaro's communications, he deliberately diverted funds raised by his congregation in Europe for the support of refugee populations in order to directly support FDLR, and has done so with the complicity of Franco Bordignon, regional finance manager for the Severiens congregation in Bukavu, via a bank account based in Bukavu (annex 38). In another e-mail communication, Mr. Lanaro makes reference to his family's ability to receive funds that could be then forwarded onto the FDLR leadership, and copies a message from Mr. Murwanashyaka who confirms his willingness to receive this money (annex 39).

D. Exploitation of natural resources

Gold

124. The use of gold by armed groups has become markedly accentuated in the past few years owing to the ease with which it can be smuggled, although this is difficult to quantify given that government mining documents from North Kivu and South Kivu show only a few kilograms of gold exported officially each year. A Democratic Republic of the Congo senate report published in September 2009 estimated that 40 tonnes, or $1.24 billion of gold, is smuggled out of the Democratic Republic of the Congo each year. On the basis of that figure and other interviews, the Group estimates that armed groups, in particular FDLR, may derive several million dollars of revenues each year from the trade, which therefore represents one of the most significant avenues of direct financing for them.

125. The Group has traced the flow of gold from sites exploited and taxed by FDLR and other militia, and demonstrates in this section that significant amounts of gold are being trafficked through the region, in particular through Uganda and Burundi, and eventually sold in the United Arab Emirates. The Group demonstrates that the networks in Uganda and Burundi are interrelated and both have commercial ties to individuals operating in the United Arab Emirates.

North Kivu-Uganda networks

126. The Group visited the location of Kasugho in North Kivu, where it confirmed significant exploitation of gold mines by FDLR in the jungles west of Kasugho, in Lubero territory, where some of the richest gold deposits in North Kivu are found (see the December 2008 report of the Group, contained in document S/2008/773, for further background on Kasugho). During operation Umoja Wetu, gold digging in the jungles west of Kasugho was disrupted only temporarily, and FDLR units reoccupied gold fields in that area in June 2009. The Group confirmed this on the basis of observation of deliveries of general merchandise arriving in Kasugho for onward transmission to sites where mining activities had resumed. These findings were also corroborated through interviews with FDLR former combatants, FARDC and gold traders who consistently confirmed, as late as September 2009, that FDLR continued to make significant profits out of the gold mines west of Kasugho, even if FARDC units had seized some of the main sites at Fatua, Makokwandro and near Oninga, in Walikale territory.

127. The Group received further detailed information on FDLR control of gold in this area. An FDLR former combatant confirmed that FDLR battalion commander Colonel "Dmitry" based near Kasugho was in charge of the gold trade and was working with Mai Mai units in exploiting several gold deposits in Lubero and Walikale territories. Interviews with two separate FDLR former combatants from Oninga, a remote location in the territory of Walikale further west from Kasugho, mentioned in June 2009 that Colonel Dmitry had also been receiving at least three kilos of gold a month (roughly $90,000 equivalent) from their own specific FDLR units which, in turn, were taxing and trading at gold mines near Oninga. Local chiefs and Mai Mai militia interviewed by the Group in October 2009 stated that, despite the fact that FDLR had been pushed out of Oninga town, FDLR still controlled and taxed many gold mining zones south-east of Oninga and south-west of Lubero town. The Group received testimonies and MONUC reports that FDLR

and various Mai Mai units, including those of General Lafontaine, have formed an alliance covering parts of Lubero and Walikale territories where significant gold reserves are being jointly exploited.

128. The gold from Kasugho and Oninga is principally sold to Kahindo Muhiwa, Katina Kambale Mbayahi and Kambale Vikalwe, three Nande gold traders based in Butembo, who the Group cited in its report in December 2008 (S/2008/773), according to local businessmen in Butembo and a gold trader in Kasugho. In 2008 Mr. Muhiwa, Mr. Kambale and Mr. Vikalwe created a company called Glory Minerals, along with a fourth partner, Nzanzu Mbusa, the widow of Mr. Kambale Kisoni, who had been listed by the Committee for targeted sanctions in March 2007 and was assassinated in July 2007. The company documents for Glory Minerals are annexed to document S/2008/773 (annex 19). Ms. Mbusa, who is partly based in Kampala, claims to have since withdrawn her interest from Glory Minerals.

129. According to government mining officials, Glory Minerals has now received approval to start operating as an official gold exporting company. The Group obtained a document dated 12 January 2009 issued by Kabila Kakule, a government mining official in Butembo, asking all small traders in Lubero territory to provide all their gold to the three partners of Glory Minerals for export (annex 40). The Group raised this issue with Leonide Mupepele, the head of the Centre d'évaluation, d'expertise et de certification (CEEC) in Kinshasa, who is also Mr. Kakule's superior, and who explained to the Group that Glory Minerals obtained permission to export so that the Government could control the company's activities and eventually force it to comply with due diligence requirements.

130. According to an e-mail obtained by the Group, Mr. Kakule on 2 February 2009 wrote to Alain Goetz, the owner of a gold refinery business, Tony Goetz and Zonen, in Antwerp, Belgium, to inform him that gold purchased by Glory Minerals did not come from areas controlled by FDLR or Mai Mai, and that any gold supply from Glory Minerals "complies with United Nations standards" (annex 41). The Group has established above that Glory Minerals continues to source gold from FDLR-controlled areas. Mr. Kakule himself and other government mining officials confirmed the authenticity of this e-mail, although Mr. Goetz insisted until recently that he had no recollection of this correspondence.

131. In addition, trading sources and a former Mai Mai leader interviewed by the Group reported that General Lafontaine, who has several kinship ties to the Nande traders in Butembo, acts as an intermediary between FDLR and many traders in Butembo, organizing the delivery of general goods to FDLR in exchange for brokering gold deals. Several Nande traders in Butembo also stated to the Group that the three businessmen associated with Glory Minerals travel regularly to Kampala and Dubai to sell their gold.

132. The above information illustrates that the Democratic Republic of the Congo authorities have allowed Glory Minerals to continue trading without investigating and verifying the information submitted by the Group, as presented in the previous report of the Group (S/2008/773).

133. Seven different gold traders interviewed separately by the Group in Butembo, Kampala and Dubai confirmed that the main personalities involved in orchestrating the laundering and smuggling of gold from Butembo on to Kampala and Dubai are Rajendra Vaya and family and J. V. Lodhia (who is known by Congolese and Indian

traders as "Chuni") and his son Kunal Lodhia. These businessmen, of Indian origin, are based in Kampala and have extensive family ties in Nairobi. Mr. Vaya is the director of Machanga Ltd., and J. V. Lodhia is the director of Uganda Commercial Impex Ltd. (UCI Ltd.), both of which are sanctioned entities designated by the Committee in March 2007. Gold traders confirmed to the Group that both Mr. Vaya and the Lodhia family pre-finance cash to trusted intermediaries, who then offer slightly above market prices in order to guarantee maximum interest from local traders in the Democratic Republic of the Congo. Mr. Vaya's network reportedly handles a larger volume of gold than Mr. Lodhia's network. The gold is then smuggled to Kampala by road or by commercial flight to Entebbe and finally on to Dubai, where it is handled by an associate of both families called Jigar Kumar.

134. Mr. Kumar was named as a gold supplier on the 2008 client list of Emirates Gold (see S/2008/773), a major gold refinery in Dubai. Kampala traders have also confirmed that Mr. Kumar is a family relative of Mr. Vaya. Mr. Kumar works at a foreign exchange bureau in Dubai called Asia Exchange Centre (see annex 42), which employs workers whose presence has been noted by the Group at Mr. Vaya's Kampala-based foreign exchange bureau, Vaya Forex. The Group visited Asia Exchange Centre and confirmed that Mr. Kumar works there.

135. In Kampala, the Group was informed by a gold trader, who correctly identified unmarked photographs of Mr. Mbayahi and Mr. Vikalwe (shareholders of Glory Minerals) that he had met them in a hotel in Kampala in February 2009 where they attempted to persuade him to inform other gold traders to sell to "Chuni", Mr. J. V. Lodhia's alias. The trader told the Group that Mr. Mbayahi had spoken to "Chuni" on the phone in front of him and that Mr. Mbayahi was subsequently collected from his hotel in a sports utility vehicle driven by a young Indian man who was accompanied by a Ugandan security official in uniform.

136. The Group obtained telephone logs for Mr. Muhiwa, another shareholder of Glory Minerals, which reflect frequent communications between Mr. Muhiwa and a number belonging to Nilesh Lodhia, a former employee of J. V. Lodhia. The logs also show calls from Mr. Muhiwa to another number, which the Group has called and which was answered by a person who acknowledged he was acquainted to "Chuni", the "dealer". Mr. Muhiwa was also in contact once with Mr. Vaya in Kampala and 134 times with Mr. Kumar in Dubai between May and August 2009. These communications corroborate reports of relationships between Mr. Lodhia, Mr. Vaya and Mr. Kumar.

137. Several gold traders interviewed in Kampala and Dubai, as well as an anonymous contact, informed the Group in separate interviews and communications that major gold trading businesses in Kampala were instructed to shut down their activities during the week of the Group's visit to Kampala in June 2009. A Congolese researcher, known by the Group, visited Mr. Lodhia's offices in Kampala, which now hosts his other business Aurum Roses. The researcher was greeted by a Congolese employee of Aurum Roses who responded to the source's enquiries as to whether they were buying gold. The employee stated to the source that it was possible to sell gold, and asked the researcher to come back the next day. This conversation happened on the day before the Group was expected to leave Kampala to travel back to the Democratic Republic of the Congo.

138. The Group obtained video footage showing a prospective trader approaching the gates of Mr. Vaya's address in Kampala. The footage shows the gate opened by

an Indian employee of Mr. Vaya who tells the trader to come back the following week to sell gold. The Group attaches to the present report a still photograph taken from the video footage, which has been confirmed by several sources as showing an employee of Mr. Vaya (annex 43). The video footage has been archived at the United Nations. The recorded conversation happened a few days before the Group was expected to leave Kampala to travel back to the Democratic Republic of the Congo.

139. In August 2009, the Group visited Dubai, where it made contact with two Congolese gold traders who informed the Group that Mr. Lodhia, or "Chuni", was transferring gold to a shop they both identified in the gold Dubai *souk* (see box 1 below for further details). The same traders also informed the Group that Mr. Lodhia's carriers had provided gold directly to Mr. Kumar at the Asian Exchange Centre bureau.

140. The Group obtained telephone logs of a prominent gold dealer in Bujumbura, Mr. Mutoka Ruganyira, who is believed to be also trading in FDLR gold (see paras. 142 to 155 below for a full explanation of Mr. Mutoka's activities). Mr. Mutoka's telephone logs show 60 telephone communications between himself and Mr. Kumar in Dubai between April and July 2009 and four calls between himself and Mr. Vaya in Kampala during the same period. Mr. Mutoka and Mr. Vaya acknowledged that they were old associates and worked together in the gold business in Burundi before Mr. Vaya left the country to concentrate his business in Uganda. Mr. Mutoka informed the Group that he had been in contact with Mr. Vaya because Mr. Vaya facilitated money transfers on his behalf. Mr. Vaya denied having any ongoing business relationship with Mr. Mutoka. The Group obtained receipts showing Mr. Vaya purchasing over $40,000 in flight tickets between May and June 2009 for associates travelling between Entebbe, Bujumbura, Nairobi and Mumbai (annex 44). Mr. Vaya has been unable to explain what these flight tickets were purchased for.

141. The Group obtained Ugandan customs statistics and analysed several suspected front companies being used by the Lodhia and Vaya families, although is unable to conclude from these statistics how much gold they are exporting on a monthly basis. Several traders interviewed in the Democratic Republic of the Congo, Kampala and Dubai, however, stated to the Group that both families sometimes export up to several hundred kilograms of gold a month. Nearly all gold declared by Ugandan customs is exported to the United Arab Emirates (see box 1 below for further details).

South Kivu-Burundi and United Republic of Tanzania networks

142. Based on evidence gathered of numerous purchases of gold from trading networks and mining areas that are controlled by FDLR and FRF in several different locations of South Kivu, the Group is of the view that most of this gold is smuggled across from South Kivu to Burundi where it is sold to Mr. Mutoka Ruganyira at his office in Bujumbura, according to Burundian and Congolese Government officials, local NGOs and FDLR and FRF former combatants and affiliates. Mr. Mutoka was cited by the Group in its December 2008 report (S/2008/773) and is mentioned earlier in the present report (para. 140).

143. The Group received numerous testimonies from Government mining agents and local businessmen in the Democratic Republic of the Congo that a Bukavu-

based trader, known as "Mange", who at the time of writing was not officially licensed to purchase gold by the Government, purchases large amounts of gold from FDLR-held areas in Mwenga, Itombwe, Shabunda and Walungu territories and subsequently supplies it to Mr. Mutoka.

144. In July 2009, the Group visited the locality of Burhinyi (Walungu territory) and the local market where gold from an FDLR-controlled gold mine nearby was being traded. Local officials identified the only trader of gold attending the market as an agent of Mange. The Group also obtained Government documents proving that a supplier of Mange, known as Neo Bisimwa, was involved in purchasing gold traded by General Rutambuka Ntabitondeye of Mai Mai PARECO. General Ntabitondeye had been issued with an official permit to trade gold in an area of Kalehe territory, South Kivu, that was jointly controlled by FDLR and PARECO in 2008 (annex 45).

145. In the course of the mandate, the Group interviewed Government mining agents, small-scale gold traders and other businessmen in Bukavu, who confirmed that Mr. Mutoka purchases gold from Mange as well as from another businessman, Evariste Shamamba, who runs a gold exporting company Etablissement Namukaya. Mr. Shamamba was cited in the Group's report of December 2008 (S/2008/773) for trading gold from FDLR, and continues such activities according to numerous testimonies received by the Group in 2009. The Group also obtained an audio recording of Mange acknowledging that he sells his gold to Mr. Mutoka. This recording has been archived at the United Nations.

146. The Group has interviewed two other gold traders based in Bukavu who have been in telephone contact with Mr. Mutoka and Mange during the first nine months of 2009, and who stated that Mange purchases gold in order to supply Mr. Mutoka on a regular basis. The same traders informed the Group that another trader, Buganda Bagalwa, is a regular supplier to Mr. Mutoka. The Group has determined that Mr. Bagalwa has been in direct communication with Mr. Mutoka more than 50 times between January and August 2009, and more than 150 times with Mange between May and September 2009.

147. Mr. Mutoka's telephone logs also show that he has been in communication 22 times with a Belgian number belonging to Guy Liongola, a gold trader based in Belgium, between January 2009 and September 2009. A previous Group of Experts report (S/2007/423) noted that Mr. Liongola imported gold from Mr. Shamamba's company, Etablissement Namukaya.

148. A gold trader in Minembwe stated to the Group in the course of an interview in July 2009 that he had sold gold obtained from the Hauts Plateaux area, including from FRF-controlled areas, and that quantities of gold were transferred from the Hauts Plateaux area to Mr. Mutoka's agents in Uvira on a weekly basis. The Group obtained testimony from an eyewitness who travelled, in early 2009, from Uvira to Bujumbura with an FDLR liaison officer who sold gold to Mr. Mutoka in the course of the same trip.

149. According to several interviews conducted by the Group, Mr. Mutoka relies on the protection of top security officials in both Burundi and the Democratic Republic of the Congo. Several sources in Burundi stated that Mr. Mutoka benefits from his relationship with Governmental officials in customs and security agencies, including General Adolphe Nshimirimana, the Director General of the Burundian intelligence services. The telephone logs of Mr. Mutoka show frequent and regular

communications between him and General Nshimirimana over a period of several months in 2009. Mr. Mutoka acknowledged to the Group that he had a relationship with Mr. Nshimirimana but denied contacting him more than twice every six months (see para. 87 above for more on General Nshimirimana).

150. The Group analysed the telephone logs of Mr. Mutoka between the period January to September 2009 and found evidence of over 270 telephone communications between himself and six other gold traders in South Kivu reportedly involved in the illicit gold trade. Mr. Mutoka told the Group that the last conversations he had with two such traders, Honore Lukingama Abanta and Mwite Ruganrwa, took place in December 2008, in contradiction with the telephone logs, and maintained that these traders called him only to check the price of gold. Both traders separately informed the Group that they called Mr. Mutoka only to discuss personal matters. The telephone contacts between the traders and Mr. Mutoka generally coincided on the same days as each other, and shortly before or after Mr. Mutoka officially exported gold to the United Arab Emirates or made calls to Dubai. The Group was informed by other gold traders in South Kivu that Mr. Abanta frequently delivers Mr. Mutoka gold from the High Plateau area in South Kivu.

151. One gold trader interviewed by the Group declared that Mr. Abanta was aware of the Group's visit to Mr. Mutoka's office on 3 September 2009 and the content of the discussions. Two gold traders interviewed in Bukavu in October 2009 also informed the Group that they had been given specific instructions by Mr. Mutoka not to cooperate with the Experts, as the Group was investigating the smuggling of gold into Burundi.

152. Mr. Mutoka exerts a near monopoly on the entire flow of gold owing to his ability to pay slightly above market prices and maintain a web of pre-financing networks operating in Burundi and the Democratic Republic of the Congo. Burundian customs statistics obtained by the Group report that a company called Berkenrode BVBA, which Mr. Mutoka has acknowledged owning, exports nearly all the gold exported officially from Burundi. The company exported 912 kilograms of gold, just 2 kilograms less than the entire declared exportations of Burundi between January 2009 and September 2009. All the gold was declared as exported to the United Arab Emirates (see annex 46 and box 1 below for further details).

153. Mr. Mutoka acknowledged that he had changed the name of his company from Gold Link Burundi Trading (GLBT) to Berkenrode BVBA in January 2009. Burundian customs declarations show he actually started exporting under the name Berkenrode BVBA on 16 September 2008, a few days after the Group first met Mr. Mutoka in 2008, when he was exporting under the name of GLBT.

154. The Group obtained a notarized document signed by Mr. Mutoka's daughter, Ms. Samra Sefu, showing the address of Berkenrode BVBA as 56 Jacobs Jacobsstraat, Antwerp (annex 47). The Group has also obtained confirmation from Belgian company documents showing that Mr. Goetz operates a company called Berkenrode at 56 Jacobs Jacobsstraat in Antwerp (annex 48), which is directly next door to his gold smelting business, Tony Goetz and Zonen, based at 58 Jacobs Jacobsstraat. Mr. Goetz's attorneys have explained to the Group that his company Berkenrode in Antwerp is called Berkenrode BVBA in its full appellation. The Group subsequently received a letter and documents from Mr. Mutoka's lawyers which show that Berkenrode BVBA is also a company registered in Burundi under Mr. Mutoka's name (annex 49).

155. Mr. Mutoka informed the Group that he chose Berkenrode BVBA as his company's name because it was a name he had heard and liked when he visited Belgium. After the Group had explained that it knew the company address was the same address as Mr. Goetz's, Mr. Mutoka and Mr. Goetz subsequently explained that Mr. Mutoka had registered his company at Mr. Goetz's company address in Belgium to take advantage of taxation rates in Belgium, which were preferential to those in Burundi. Subsequently, Mr. Mutoka's lawyers wrote to the Group and denied any association with Berkenrode BVBA in Belgium.

156. Mr. Goetz, who has recently registered a new company, AGOR Ltd., at the Dubai Multi Commodity Centre (DMCC), insists that he has no ongoing business relationship with Mr. Mutoka, nor does he have any recollection of being contacted by Congolese officials regarding possible gold consignments from Glory Minerals, referred to in paragraph 130 above.

157. During the Group's first meeting in Antwerp in March 2009, Mr. Goetz informed the Group that he had not purchased any gold from any source in the Democratic Republic of the Congo or its neighbouring countries for several years. Later, in October 2009, Mr. Goetz admitted in response to a query by the Group that he had in fact purchased a consignment of 3 kilograms of gold from Mr. Mupepele, the director of the Centre d'évaluation, d'expertise et de certification in Kinshasa, who had come personally to his showroom in Antwerp to sell the gold in August 2008. Mr. Mupepele told the Group that Mr. Goetz had also purchased a second consignment from him by courier, which Mr. Goetz acknowledged after several requests from the Group.

158. The Group also established that General Masunzu and Colonel Nakabaka, the commanders of the tenth military region, cited earlier in the present report for their role in the diversion of military equipment to non-governmental armed groups (see paras. 23-35 above), are significantly involved in the gold trade in South Kivu. The Group has obtained a written complaint by the mining company Samiki citing Colonel Nakabaka's control over mining areas in the company's concession, and the refusal of military elements under his command to withdraw despite the recommendations from the governor of the province to do so (annex 50). Several traders interviewed by the Group in the course of the current and past mandates, reported that mining areas controlled by Colonel Nakabaka are known as the "tenth military region", and much of the gold is laundered on his behalf by Mange and Mr. Shamamba, referred to above as suppliers of Mr. Mutoka.

159. The Group has also obtained a document detailing a request by Colonel Nakabaka made to Mr. Shamamba's company, Etablissment Namukaya (otherwise known as Congocom), for cement to complete the construction of his house in Uvira (annex 51). The Group has also directly observed General Masunzu in August 2009 discussing matters with a company agent of Etablissement Namukaya in Bukavu. According to several traders, Colonel Nakabaka handles the gold trade in FDLR and Mai Mai areas, and General Masunzu controls the flow of gold from the Hauts Plateaux area, where FRF and FDLR cohabitate.

160. For ease of reference, the Group has attached to the present report a diagram (annex 52) covering the cross-cutting relationships of the various networks listed above.

Box 1

Gold networks in the Democratic Republic of the Congo, Burundi, Uganda and the United Arab Emirates

The Group of Experts documented fundamental irregularities in the international gold trade between the Democratic Republic of the Congo, Uganda and Burundi, and the United Arab Emirates, and gathered evidence of inconsistent and incomplete customs declarations and procedures, as well as a lack of adequate control procedures by Government customs and mining authorities in gold exporting and importing countries.

The Group received strong indications of high-level protection and in some cases complicity in the illicit gold trade by Government officials. The Group was provided incomplete and partial customs declarations for gold exports by the Ugandan Revenue Authority, which officially provided the Group with records of 130 gold exports between January 2008 and May 2009. The Group was nevertheless able to obtain statistics through an employee of the Authority displaying 215 recorded gold exports during the same period. These records have been archived at the United Nations. The Group was also informed by Ugandan-based gold traders that they were encouraged to declare Congolese gold they imported or re-exported from Uganda as gold of southern Sudanese origin on their official documentation. The Group has made several requests to the Burundian authorities for information on gold companies and statistics since September 2008, and has received no official response although it has obtained these statistics independently. Another worrying indication is the fact that the Group has established that its movements and activities were being closely monitored both in Uganda and Burundi (see above).

The Group has obtained a written letter from DMCC, dated April 2007 (annex 53) advising all DMCC members to stop purchasing gold from the Democratic Republic of the Congo, Rwanda and Uganda. However, Ugandan customs statistics obtained by the Group show gold exports from April 2007 as consistently arriving in the United Arab Emirates. Mr. Mutoka informed the Group that since his primary client in Dubai, Kaloti Jewelry, ceased buying from him in 2008, he declares his gold to customs in Burundi after which it is broken up into smaller packages and carried to Dubai by a number of his agents and declared at customs before being sold "anywhere in the gold souk". Mr. Mutoka admitted to breaking the gold stocks down into packages of less than a few kilograms to avoid detection by Dubai customs.

The Group has not received any responses from its official requests to the United Arab Emirates authorities for customs and immigration documentation. The Group visited Dubai where it held official meetings and made all possible efforts to constructively engage with the United Arab Emirates authorities in further identifying some of the gold trading activities as described in the present report. In the United Arab Emirates, the Group asked for customs and immigration documents and information on Machanga Ltd. and Uganda Commercial Impex Ltd. in order to compare the identities of the agents carrying and declaring gold on behalf of the companies during the period before the companies were listed under United Nations sanctions, against possible ongoing gold declarations by those carriers. These and other requests on other individuals and companies were not responded to.

DMCC has provided information on AGOR Ltd., a company owned by Belgian gold dealer Alain Goetz, as well as two other DMCC member companies the Group has been investigating, including one that is located in the Dubai gold souk and which was alleged by two Congolese gold traders to be receiving gold from Uganda. According to DMCC all three companies have reported no gold imports or exports as based on their audited accounts, which are updated only up to 2008.

Since the adoption of Security Council resolution 1857 (2008) on 22 December 2008, the United Arab Emirates is yet to submit a report on the implementation of the travel ban and assets freeze pursuant to paragraph 7 of the resolution, which the Group considers would have been relevant to the cases of Machanga Ltd. and Uganda Commercial Impex Ltd. in the light of the fact that the directors of both those companies continue to do business in the United Arab Emirates.

The Group also notes that Jigar Kumar, who the Group has described in the present report as being part of the gold-trafficking network referred to above, has been named on the client list of Emirates Gold in 2008 (see S/2008/773). Mr. Mohamed Shakarchi, the Managing Director of Emirates Gold, claims that the company made a mistake by referring to Jayendra Kumar, their client, as Jigar Kumar. Emirates Gold did not provide any documentation to the Group supporting this claim, nor did it provide other documentation the Group had asked for and which Mr. Shakarchi had repeatedly assured the Group he would provide.

The Democratic Republic of the Congo authorities have approved an export licence for Glory Minerals, a gold company which the Group has shown in the present report as well as in the previous report of December 2008 (S/2008/773) as purchasing gold from FDLR networks. When the company was registered in 2008, it was done in the name of four traders, including Nzanzu Mbusa. Last year Ms. Mbusa hired a lawyer, Gerard Kabemba, who occupies an office in the new Ecobank building on the Boulevard 30 Juin in Kinshasa. Mr. Kabemba is the legal notary for another gold export company that has been formed in 2009, called Northern Goldline. Mr. Kabemba refused to discuss that company with the Group.

161. The Group received several testimonies from FDLR former combatants and local gold traders in the United Republic of Tanzania and the Democratic Republic of the Congo relating to the transfer of several hundred grams a week of gold entering the United Republic of Tanzania from South Kivu, and comprising gold that has been sourced from FDLR-controlled zones. According to a dealer based on the beach in Kigoma, United Republic of Tanzania, gold comes regularly by pirogue and is sold to local dealers in Kigoma who work on commission for businessmen in Dar es Salaam. Local traders in Kigoma cited three major gold dealers based in Dar es Salaam, including Crown Jewellers, Ruby Bureau de Change and a businessman known as Jafar, although testimony from FDLR former combatants indicated several more small purchasers of gold.

162. The Group met the owner of Ruby Bureau de Change, Mr. Virendra Sagar, who told the Group that he had indeed bought gold from Kigoma but stopped at the start of 2009 due to an immigration crackdown on Congolese dealers by Tanzanian officials at Kigoma. Democratic Republic of the Congo consulate officials in Kigoma were unaware of any particular immigration measures targeting Democratic Republic of the Congo nationals. The Group also visited Crown Jewellers, where its owner informed the Group that he did not purchase any gold except for gold jewelry, which he would then smelt. In the course of the same visit to the shop, an employee of Crown Jewellers contradicted the owner by saying the shop regularly bought gold powder. Gold traders buying from the Democratic Republic of the Congo had previously identified a shop run by a businessman known as Jafar as a gold-buying enterprise. The Group met Jafar in October 2009 in a shop called Golden Telecommunications in Dar es Salaam, of which he claimed to be a shareholder. Mr. Jafar denied his involvement in the gold trade before walking out of the shop in the middle of the interview.

163. The Group does not have any further evidence on the three businessmen above, but nevertheless considers the flow of gold from FDLR zones in the Democratic Republic of the Congo through the United Republic of Tanzania as a potential arms embargo violation that needs to be stemmed. In conclusion, the Group regrets a general lack of cooperation by all parties, including transporters, with its investigations of the gold sector. Since 2008, the Group has been informed several times that gold trafficked out of Burundi and Uganda is being hand-carried on commercial airlines, notably Emirates Airlines, Kenya Airways and Ethiopian Airlines. The Group has written several official requests since 2008 to seek the cooperation of all three airlines, as well as of the Governments of Kenya, Ethiopia and the United Arab Emirates, to facilitate access to cargo and passenger manifests. The Ethiopian authorities have systematically ignored the Group's requests for information since 2008. Emirates Airlines was unable to work with the Group as it never obtained authorization from the United Arab Emirates authorities. After several follow-up requests, Kenya Airways identified a focal point to assist the Group, but failed to concretely offer meaningful cooperation, and cited the non-existence of data protection laws in Kenya as a reason not to provide the requested information.

Cassiterite

Internal buying networks

164. FDLR continue to have access to considerable reserves of cassiterite (as well as coltan and wolframite) in parts of South Kivu (especially Mwenga and Uvira territories) and North Kivu (particularly Walikale), despite FARDC military operations. The Group has focused its attention on the cassiterite trade, which it estimates feeds the highest revenues back to FDLR out of cassiterite, coltan and wolframite. The Group calculates that FDLR could earn at least several hundred thousand dollars up to a few million dollars a year from this trade.

165. The Group also established that MDM, World Mining Company (WMC), Etablissment Muyeye and Panju, mineral-exporting businesses cited in document S/2008/773 for knowingly purchasing minerals from FDLR-controlled areas, have continued throughout 2009 to trade in minerals originating from some of the same FDLR-controlled areas. The Group has obtained several pieces of documentation that corroborate such information. The Group has also obtained documentation showing that Huaying Trading Company (HTC), a Chinese-run *comptoir* based in Goma and Bukavu, as well as a trader closely linked to Clepad, another Goma-based *comptoir*, also source cassiterite that originates in FDLR-controlled areas in South Kivu. These *comptoirs* are among the major exporters of cassiterite in eastern Congo.

166. The Group obtained documents dated from 2008 (see S/2008/773) showing that MDM was run jointly by Mudekereza Namegabe, the president of the Fédération des entreprises du Congo, along with Michel Defays and Edouard Kitambala. MDM shares the same compound in Bukavu with WMC, another *comptoir*, which is also run by Mr. Defays and Mr. Kitambala. According to a written statement by Mr. Defays, MDM was financed by WMC until the company directors decided to suspend the activities of MDM in 2009. WMC has taken over the staff members of MDM and continues to export. Panju is run by Panju Zulfikar Ali, a Bukavu-based businessman. Etablissement Muyeye is run by Muyeye Byaboshi, another Bukavu-based businessman. HTC is a Chinese *comptoir* represented in Goma by Wang Xiaoming. Clepad is also a Goma-based *comptoir* run by Patrick Nkuzi and Clemence Nkuzi, according to government mining authorities.

167. Mr. Namegabe and Mr. Kitambala have made public announcements and issued statements that they have temporarily suspended the activities of their respective *comptoirs*, Groupe Olive and MDM. According to documents obtained from the Centre d'évaluation, d'expertise et de certification, a government mining agency in Bukavu, Group Olive and MDM have stopped registering any purchases of cassiterite from South Kivu since June 2009.

168. The Group has, however, obtained specific evidence that MDM has continued to purchase minerals from FDLR mines such as Kitopu and Miki which were sold at the market in Lemera since January 2009. The Group has also obtained documentary evidence that Muyeye, HTC and "Faustin", a trader who supplies Clepad and MDM, also bought from these particular mines at Lemera market.

169. In July 2009 the Group visited the town of Lemera, which it had visited in 2008, in order to assess the flow of minerals through this market town. According to several traders there as well as a government mining document (annex 54), almost all of the minerals flowing through Lemera were coming from Miki and Kitopu, two

mining sites located in the Itombwe forest region. Several FDLR former combatants have told the Group in 2009 that Miki and Kitopu, which are remote locations outside the zone of influence of FARDC, are two of the principal mining zones controlled and taxed by FDLR in Uvira territory, South Kivu. Traders in Lemera told the Group that FDLR elements frequented Lemera market while mining officials have confirmed to the Group that FDLR still transport cassiterite to Lemera from Miki through intermediaries, now that FARDC has reinforced the control of the town. Several traders consistently informed the Group that Bukavu-based traders were buying from Lemera on market days.

170. The Group obtained government documents at Lemera signed by the same government mining official who signed documents obtained in the provincial government headquarters in Bukavu. These documents showed dozens of purchases of cassiterite sourced from FDLR-controlled zones, notably Miki and Kitopu. According to these documents, the purchase of these minerals, which amount to tens of thousands of kilograms of cassiterite over a five-month period, were made by MDM, HTC, Muyeye and Faustin. The Group attaches in annex 55 a sample of these documents obtained from both Lemera and Bukavu and has archived the rest at the United Nations.

171. Mr. Namegabe, Mr. Kitambala and Mr. Defays have declared that such purchases are probably made by fraudulent individuals in the name of their companies, and then delivered to other unlicensed businesses. The Group however verified the information with a company employee of Mr. Namegabe and government mining officials, who stated to the Group that Mr. Namegabe and Mr. Kitambala still work in collaboration and export the material through WMC. The Group has also obtained a document from South Kivu's provincial mining ministry showing that MDM made a purchase as late as September 2009, although mining officials insisted they had made a mistake and had intended to book the purchase in the name of WMC (annex 56).

172. The Group has also confirmed that Mr. Muyeye processes his minerals at the Société congolaise des mines et industries (SOCOMI), a company in Bukavu run by Ketankumar Kotecha, whose other company, Afrimex, was cited in document S/2008/773 for having purchased cassiterite from Mr. Muyeye. Mr. Kotecha informed the Group in 2008 that Afrimex had ceased mineral purchasing activities. However, the Group obtained a document signed by the South Kivu provincial minister of mines, Colette Embenako, asking the minister of mines in Kinshasa to approve an application for an operating licence pending from June 2008 for SOCOMI (annex 57). The Group visited SOCOMI's premises in Bukavu in October 2009 and found employees of Mr. Muyeye processing minerals there. The Group was later given a contract by one of Mr. Muyeye's managers, signed by SOCOMI in June 2008 (annex 58), giving permission for Mr. Muyeye to use SOCOMI's treatment machines. The manager told the Group that SOCOMI was not exporting material, but only processing Mr. Muyeye's material. Cassiterite traders in Bukavu who sell to Mr. Muyeye have told the Group that Mr. Kotecha helps export material for Mr. Muyeye.

173. The Group furthermore obtained several government mining documents showing purchases of a few tons of cassiterite in 2009 by Mr. Panju from Miki in the Itombwe region and from the Hombo region, where FDLR are also known to dominate the minerals trade in nearby areas. The Group has attached some samples

of the documentation to the present report (see annex 59) and archived the rest at the United Nations. Mr. Panju acknowledges he has indeed purchased small quantities of minerals from these and other areas controlled by FDLR, but insists such purchases were made erroneously by his staff members.

Exports to international markets

174. The Group has gathered information on a number of international buyers who are responsible for taking the material purchased by the *comptoirs*. The Group has obtained documents and confirmation from HTC and WMC that these companies sell their material to MSC. The Group obtained documents proving that HTC also sells to a company known as African Ventures Ltd., which is a Samoan-registered company with a Hong Kong, Chin., address (see annex 60). The Group has been informed by Congolese mining agents, as well as international buyers of cassiterite, that Mr. Muyeye also supplies African Ventures Ltd.

175. The Group has been informed by several international buyers that African Ventures Ltd. operates as a middleman for Chris Huber. Mr. Huber is a Swiss businessman who has been widely cited by various government officials and in public reports as having been involved in the large-scale transport of coltan out of the Democratic Republic of the Congo and Rwanda during the period of the Rwandan-backed RCD-Goma rebel occupation in eastern Democratic Republic of the Congo during the period 1998-2003. During this time Mr. Huber worked with Rwanda Metals, a company then managed by Tri-Star Investments, a company which was in turn set up by RPF.

176. The Group contacted Mr. Huber, who explained in writing that he acts as a "consultant" for African Ventures Ltd. in Hong Kong, China. The Group has confirmation that Mr. Huber is also a consultant for a company called Refractory Metals Mining Company Ltd. (RMMC), which is based at Shing Wan Road in Hong Kong, China, the same street as African Ventures Ltd. (annex 61), and which is a known supplier to the Thailand Smelting and Refining Company Ltd. (Thaisarco), held by Amalgamated Metal Corporation (AMC), a United Kingdom entity. The director of RMMC is John Crawley, who is also a director of the tantalum processing company, Niotan Inc., in Nevada, United States. Mr. Crawley confirmed that Mr. Huber works for RMMC.

177. The Group also gathered evidence that Mr. Huber also sources material obtained from companies with close ties to FARDC officers drawn from the former CNDP and who are in control of mining areas in Walikale and Kalehe territories. These relationships, as well as the web of companies linked to Mr. Huber and Mr. Crawley, are further explained in paragraphs 214 and 215 and in box 2 below.

178. The Group has viewed company and government mining documents which show that Clepad exports its material primarily to Trademet, a Belgian company cited in document S/2008/773. Mr. Panju has told the Group he has exported primarily to Thaisarco and to MSC.

IV. Integration of non-Governmental armed groups into the Forces armées de la République démocratique du Congo

179. The Group analysed the process of integration of non-State armed groups into FARDC as part of the Group's mandate to monitor the structures and support networks of these groups. While the Group has already explained that several non-State armed groups continue to remain outside the integration process or have only partially integrated, the Group nonetheless focused its attention in this regard on CNDP, in the light of its military and political influence.

A. Non-integration of the Congrès national pour la défense du peuple

180. In this regard, the Group would like to highlight its findings as reported in its interim report of May 2009 (S/2009/253), where it noted that according to Government figures, roughly 6,000 CNDP soldiers were integrated into FARDC but only 2,542 personal weapons were handed in by these elements. In terms of larger weapons, CNDP only handed in seven PKM machine guns, one MAG machine gun, seven RPG-7, four 60 mm mortars, one 82 mm mortar, six 75 mm recoilless guns, two SPG-9 recoilless guns and four multiple rocket launchers according to the Government's technical commission on integration. The Group obtained multiple testimonies from demobilized CNDP elements, including child soldiers, FARDC and Congolese intelligence officials, as well as MONUC, that corroborate information of significant arms caches under the control of hardline former CNDP commanders integrated into FARDC.

181. The Group calculated from MONUC statistics that a total of 463 foreign fighters have been demobilized from former CNDP units from January to 10 October 2009. The vast majority of these combatants were repatriated to Rwanda, but there have also been several cases of repatriations to Burundi and Uganda. These statistics echo the Group's reporting of CNDP recruitment of foreign elements detailed in document S/2008/773. In addition, the Group also received several credible reports, including from the FARDC eighth military region and CNDP elements, that a significant number of CNDP elements, including Rwandan nationals, refused to take part in the accelerated integration process that started in January 2009 in North Kivu, but have nonetheless attached themselves to certain FARDC brigades controlled by former CNDP officers, and have retained their weapons.

182. The Group has gathered several reports from MONUC and FARDC officials that some former CNDP officers have repeatedly and deliberately obstructed MONUC from repatriating foreign fighters from their ranks. Testimonies and reports obtained by the Group indicate that such incidents (which could be considered violations of the sanctions regime under subparagraphs 4 (b) and 4 (c) of Security Council resolution 1857 (2008)) particularly occurred in the units under the command of Colonel Baudouin Ngaruye, Lieutenant Colonel Innocent Zimurinda, Lieutenant Colonel Antoine Manzi, Lieutenant Colonel Bisamaza and Lieutenant Colonel Salumu Mulenda. According to reports obtained by MONUC, Lieutenant Colonel Zimurinda threatened MONUC personnel who were attempting to conduct disarmament, demobilization, repatriation, reintegration and resettlement work at Ngungu and ordered his units to raise their weapons against MONUC staff.

Lieutenant Colonel Manzi, based in Walikale, also threatened to use force against MONUC. Both Lieutenant Colonel Zimurinda and Lieutenant Colonel Manzi's brigades have been involved in heavy exploitation of mineral resources in the zones of Kalehe and Walikale (see paras. 201-205, 229 and 230).

183. The Group has established through interviews with several CNDP sources that following the arrest of General Laurent Nkunda on Rwandan soil in January 2009, General Bosco Ntaganda, the former chief of staff of CNDP, was enforced by both Kinshasa and Kigali as the de facto military head of CNDP, with specific instructions to manage and control former CNDP elements integrated into FARDC as part of the Kimia II operations. As a result, General Ntaganda, who is subject to an assets freeze and a travel ban pursuant to his designation by the Committee in 2005, and has also been indicted by the International Criminal Court, has been given the post of deputy operational commander for Kimia II although FARDC has repeatedly denied his position in official circles. The Group annexed an FARDC document signed by General Ntaganda in August 2009 as deputy operational commander of Kimia II (annex 62). This document refers to Kimia II deployments but is not signed by General Dieudonné Amuli, the Kimia II operational commander, whose name is printed on the document. The Group is aware that some deployments took place anyway.

184. According to interviews with several members of CNDP in the Democratic Republic of the Congo and Rwanda, the decision to remove General Nkunda caused a division within the CNDP officer class, many of whom felt betrayed by General Ntaganda and remained fiercely loyal to General Nkunda, notably Colonel Sultani Makenga, formerly the third most senior officer in CNDP. In particular, these divisions culminated in a near shoot-out between rival factions of CNDP at the Grands Lacs Hotel in Goma on 5 June 2009, following an argument over the control of the smuggling of timber sourced from Rutshuru and Masisi territories through the Bunagana border post. Active CNDP elements have informed the Group that these internal divisions are still significant, although there have also been moves by top CNDP political and military figures to bridge these divides. A fuller discussion of these political movements will also be outlined in the present section of the report.

185. The Group has obtained evidence and testimonies that General Ntaganda has centralized many of the ground-level taxation networks previously controlled by CNDP in the territory of Masisi in North Kivu, including control of illegal checkpoints, charcoal markets and the timber trade, and has enforced parallel administrative structures particularly in his central fiefdom of the Mushake zone of Masisi territory. The Group has calculated that General Ntaganda's network raises about $250,000 a month from these ground taxes (also see the Group's interim report in document S/2009/253). The Group has attached to the present report a selection of receipts obtained from the taxation of various activities, including the movement of timber, minerals and vehicles, which are marked by official CNDP stamps (annex 63). The most recent receipt obtained was issued in October 2009. The Group has verified some of these taxation networks through on-site observations.

186. The Group obtained documentation and testimony that a number of senior former CNDP officers specifically loyal to General Ntaganda are involved in the lucrative timber trade. The Group received testimonies that Lieutenant Colonel Zimurinda has forced civilians to carry wooden planks of eucalyptus and busika

wood in his zone of operations. The Group has also seen documents and obtained testimonies detailing exports of timber in the names of Lieutenant Colonel Yusuf Mboneza, Colonel Baudoin Ngaruye, Major Sylvain Kitenge and Colonel Innocent Kabundi. Estimates from agricultural officials indicate the movement of several hundred heads of cattle from Rwanda into Mushake since January 2009, often in the name of CNDP military officials loyal to General Ntaganda. According to testimonies obtained by the Group, these military officials have been involved in expelling civilians from their land in order to accommodate some of the cattle there.

187. Since January 2009 General Ntaganda has progressively consolidated his position by centralizing under his control many of the weapons stocks that CNDP had accumulated over the years and which were previously under the custody of various CNDP commanders. According to several interviews of CNDP members and residents within CNDP-administered territory, much of this stock has been centralized around Ngungu, the seat of Lieutenant Colonel Zimurinda, and Kitchanga, which is under the control of Lieutenant Colonel Innocent Kaina (alias India Queen), who fought alongside General Ntaganda's militia movement in Ituri in 2003 and who was conditionally released from prison in Kinshasa in 2009. The Congolese intelligence services were able to obtain 34,000 rounds of 7.62 x 39 mm ammunition, 1,100 rounds of 12.7 mm ammunition, 77 RPG-7 rockets and three boxes of anti-tank mines in a raid on a hidden cache on 8 May 2009 in North Kivu. The Group estimates that these weapons and ammunition represent a very small portion of the arms and ammunition that are still under the private control of General Ntaganda and his loyalist officers.

188. The Group has met Desiré Kamanzi, who was appointed as President of CNDP following the removal of General Laurent Nkunda and who informed the Group that he had been imposed as president by "military force". According to several CNDP insiders, Mr. Kamanzi has not been able to retain the loyalty of former CNDP military officers and businessmen who had backed General Nkunda and who had viewed Mr. Kamanzi's presidency as an imposition by Kigali. Mr. Kamanzi has now been sidelined following reconciliation initiatives between loyalists of General Ntaganda and General Nkunda, according to sources close to CNDP.

189. The Group is of the view that despite his arrest, General Nkunda continues to retain some control over CNDP and particularly the international networks he had built when he was chairman of the movement. One of the principal issues of contention between General Ntaganda and General Nkunda following the latter's arrest in January 2009 in Rwanda was the control of the financial and accounting structures of CNDP. When General Nkunda was arrested in Rwanda, many of his financial commissioners left the Democratic Republic of the Congo and thereby left General Ntaganda with no access to these international and regional financial support networks.

190. The Group has also been informed by a number of sources in Rwanda and the Democratic Republic of the Congo that following an initial period in which General Nkunda was isolated from outside contacts, he has held meetings with several of his former associates who have visited him in Kigali from May 2009 onwards. During this period, intelligence and diplomatic sources as well as CNDP insiders have informed the Group that General Nkunda has also held meetings with diaspora supporters who have, in turn, been in contact with FARDC officers loyal to General Nkunda, notably Colonel Makenga. The Group has confirmed that during this period

a number of General Nkunda's former commissioners have been present in Rwanda and in the border town of Gisenyi, which is opposite Goma.

191. The Group received several testimonies from CNDP insiders and intelligence sources that members of General Nkunda's network have attempted to make contact with military and political officers of FRF from June 2009 onwards. The Group also obtained reports related to a meeting held in June 2009 in Cyangugu, the Rwandan border town opposite Bukavu, between FRF and former CNDP officers. The Group has been able to identify direct telephone communications between FRF officials and former CNDP officers currently integrated into FARDC during the same time period. The Group has met Colonel Jackson Muzuri, a militia leader from the Hauts Plateaux area who demobilized together with several senior FRF elements in August 2009 and subsequently reported having been in contact with Gendarme Rwema, an individual who was cited in document S/2008/773 for having sent money to a bank account in Gisenyi owned by Elisabeth Uwasse, the wife of General Nkunda.

192. The Group has received several reports of ongoing attempts by CNDP-related networks to recruit individuals into units of FARDC controlled by former CNDP officers. The Group obtained information from several sources interviewed separately, including Ugandan intelligence officers, FRF officers and diplomats in the region, referring to the visit to Kampala in June 2009 by a delegation led by Mr. Rwema comprising members of the Congolese Tutsi diaspora and individuals linked to FRF with the objective of winning external support. According to a top Ugandan intelligence official, the delegation was expelled from Uganda by the authorities following Mr. Rwema's meetings there, and he was warned to stop facilitating such meetings.

193. According to MONUC officials, an FARDC officer interviewed by the Group and a former CNDP officer, meetings were held in Kampala in August, and in Goma in September and October 2009, pursuant to the initiative of General Ntaganda's loyalists including an officer known as "Gad", who is known as a relative of General Ntaganda. The objective of the meetings was to discuss the possible recruitment of new fighters in Masisi and Rutshuru territories. According to the FARDC source interviewed by the Group, this initiative was also supported by individuals linked to Raphael Soriano (alias Katebe Katoto) who was also involved in money transfers to the account controlled by Elisabeth Uwasse (see S/2008/773).

194. The Group has received information of ongoing recruitment in Rwanda of combatants through the Bwindi border area between Uganda and the Democratic Republic of the Congo, but has no further information at this point.

195. Since December 2008 the Group has sought the assistance of the United States authorities to help it to gather more information on the bank account of Elisabeth Uwasse in Gisenyi. This account is a United States dollar account and therefore all United States dollar transfers to and from this account must pass through correspondent banks in the United States. The Group provided the United States authorities with the names and account numbers of correspondent banks in the United States that could be connected to the bank where Ms. Uwasse has her account, and understands that it is technically possible to obtain a read out of money transfers to and from Ms. Uwasse's account through these correspondent banks. The Group has not received any further information as requested from the United States authorities.

196. The Group has been informed by senior FARDC officials involved in Umoja Wetu that they were aware of a number of Rwandan intelligence officers who remained on the ground following the end of the operation. The Group has no independent confirmation of multiple and credible reports it has received from demobilized former CNDP elements that Rwandan military equipment was left behind after the end of Umoja Wetu. Senior FARDC officers involved in Kimia II have told the Group that FARDC had little visibility of military movements in North Kivu for weeks after Umoja Wetu ended.

197. The Group of Experts has investigated the operations of a white Mi-8 helicopter based out of Goma and requisitioned by the Congolese National Police. The white Mi-8 (registered UR-HLC) is owned by a Ukrainian company Khoriv-Avia but was leased to the Congolese Police by another company, Aerospace Consortium (FZE) in Fujairah, United Arab Emirates. This company leased the helicopter on 27 January 2009 to the Minister of Interior Security of the Democratic Republic of the Congo represented by the Congolese National Police (annex 64). The document is signed by John Numbi, the head of the Congolese Police (annex 65), who managed Operation Umoja Wetu along with Major General James Kaberebe, the army chief of Rwanda.

198. Between the date of leasing and the helicopter's departure from the Democratic Republic of the Congo on 10 June, it flew a total of 40 flights out of Goma airport, with an additional two flights performed for the Congolese National Police prior to the signing of the contract. These flights, the last of which took place on 28 April 2009, were mainly listed as local flights within Goma but several aviation sources note that the genuine destination was hidden from the Régie des voies aériennes. A source from the company that leased the Mi-8 informed the Group in writing that "most of the time the helicopter was used for the peace talks and evacuation of wounded personnel and shifting of Cargo [sic] from DRC to Rwanda and back".

199. The Mi-8 performed 8 flights from Goma in January, 14 in February, 15 in March and 5 in April 2009. In total, the helicopter performed 21 flights from Goma after the official end of Umoja Wetu. Since the departures and arrivals of the Mi-8 are only listed as local flights, the Group cannot determine its exact routing in the Democratic Republic of the Congo and Rwanda. The local flight on 28 April 2009, for example, lasted four hours before the helicopter returned to Goma, and the flight on 22 April lasted six hours to and from Masisi, a destination that is approximately a 15-minute flight from Goma.

B. Exploitation of natural resources by Congrès national pour la défense du peuple networks and the Forces armées de la République démocratique du Congo

200. Subsequent to the rapid integration process and Kimia II operations, several mineral-rich areas, some of which were previously occupied by FDLR, have come under the control of FARDC units. Two of the most lucrative mining sites, notably the Bisie mine in Walikale territory and mining-rich zones in Kalehe territory, are controlled by FARDC units, which are composed almost exclusively of former CNDP units. The Group has focused on these two cases, although it has obtained

information of other areas that have come under the control of former CNDP units, notably remote parts of Shabunda province near the Kahuzi-Biega National Park.

Walikale territory, North Kivu

201. Since March 2009 the Bisie mine in Walikale, which provides approximately 70 per cent of the output of cassiterite of North Kivu, has been under the control of units responding to former CNDP hardliners operating within the FARDC 1st integrated brigade. The Group has confirmation from military officials, miners and traders in Bisie, mining officials and demobilized former CNDP elements that part of the government taxation revenues and part of the production from the mine have been controlled directly by Lieutenant Colonel Hassan "Shimita" Bin Mashabi, a former CNDP officer working for FARDC under the 1st integrated brigade. This unit was commanded by Lieutenant Colonel Antoine Manzi until September 2009 and subsequently by Lieutenant Colonel Yusuf Mboneza, both of whom are former CNDP officers. Lieutenant Colonel Manzi is mentioned in paragraph 182 of the present report in connection with impeding the demobilization of combatants. Lieutenant Colonel Bin Mashabi has been cited by a demobilized CNDP element in a MONUC report in August 2009 for having attempted to re-recruit him in Gisenyi, Rwanda. The demobilized element alleged that Lieutenant Colonel Bin Mashabi had demanded that he return to Walikale.

202. The Group has obtained a document issued by a local government official in Walikale detailing how Lieutenant Colonel Bin Mashabi took control of the mine (annex 66). The Group has obtained documents and testimonies from government mining officials in Walikale claiming that out of every 2,000 Congolese Francs taxed on each 50 kilogram sack of cassiterite mined, 1,000 Francs are given to security officials, and 30 to 40 per cent of that sum goes to FARDC (annex 67). The Group estimates that the local military commanders at Bisie can therefore earn up to $60,000 per annum from these taxes, based on industry estimates of an average of 500 tons a month of production from Bisie.

203. A number of industry interlocutors informed the Group that since February 2009, they have been unable to access as much cassiterite as in the past from Bisie. The same industry interlocutors have been informed by military elements at Bisie and Walikale that this is due to an escalation in fraud at Bisie, a lack of control being exerted by civilian government officials at the site, and the orchestrated mining and transport of large amounts of minerals in complicity with business networks profiting from the militarization of the mine. Contrary to previous years when most cargoes from Bisie and Walikale were flown from an airstrip to Goma, industry sources report that a larger proportion of cassiterite than before is being evacuated by truck in large volumes from trading centres near Bisie and Walikale and taken by newly completed roads in a circuitous route to Kisangani, then Beni, Butembo and Goma, before being trafficked into Rwanda. Government of the Democratic Republic of the Congo mining and customs officials also report that fraudulent exportation of all mineral cargoes from the Democratic Republic of the Congo have escalated in the past year.

204. A number of mineral-exporting houses in Goma have taken advantage of the militarization of Bisie mine and the lack of Government controls on the flow of minerals.

205. The Group has also been informed by mining and military officials that the brother of Lieutenant Colonel Bin Mashabi, known as Faustin Ndahiriwe, has also been trading cassiterite produced on behalf of the former CNDP officers based at Walikale. Mr. Ndahiriwe is well-known by the business community in Goma, having worked in the minerals trade since 1998 for Amos Golan, an Israeli businessman and former military official who was the honorary consul for Uganda in Israel when the Group verified this in September 2009. The Group has attached copies of Mr. Ndahiriwe's identification documents and his Government-issued trading licence (annex 68), which a former bodyguard of Lieutenant Colonel Manzi correctly identified as belonging to Mr. Ndahiriwe, whom he also identified as the brother of Lieutenant Colonel Bin Mashabi. The Group has obtained a picture of bagged minerals taken near Bisie mine in Mr. Ndahiriwe's name (annex 69). The Group has also met Mr. Ndahiriwe.

206. The Group has established that Mr. Ndahiriwe has directly supplied a number of businesses in Goma with cassiterite, and in particular three exporting houses (*comptoirs*): Hill Side, SODEEM and Pan African Business Group (PABG). The Group obtained documentation from each of these three companies showing they have purchased cassiterite from Mr. Ndahiriwe in 2009 (annex 70). Mr. Ndahiriwe confirmed that he is pre-financed by some of the *comptoirs* in Goma, although he did not specify which ones.

207. Hill Side is a company owned and operated by Claude Ntuyenabu, a prominent businessman in Goma. SODEEM is a company owned and operated by Modeste Makabuza who, according to many CNDP members interviewed by the Group, has been an important supporter of the movement in the past. PABG is owned by a group of Congolese and Russian businessmen, which is majority held by Novosibirsk Integrated Tin Works, a Russian company.

Hill Side

208. Hill Side has reported that between January and the end of April 2009, it purchased only 7,530 kilos of cassiterite from Walikale (annex 71). However the Group has records of exports from aviation documents showing that between 22 April and 23 April 2009 alone, Hill Side recovered 5,300 kilos of material from Walikale (annex 72), almost three times the amount given officially by Hill Side for its purchase on 23 April 2009, as detailed in annex 71. The Group has also obtained separate statistics of purchases made by Minerals Supply Africa (MSA), a Rwandan company licensed to operate by the Government of Rwanda (annex 73) and owned by United Kingdom businessman David Bensusan, and which show that Hill Side provided MSA with 185,690 kilos between January and April 2009, almost 25 times the amount Hill Side officially declared to the Democratic Republic of the Congo authorities as having purchased throughout the Democratic Republic of the Congo during the same period. According to official Democratic Republic of the Congo Government statistics obtained by the Group, Hill Side has generated exports worth only 117,340 kilos of cassiterite up to the end of September 2009, and has sent them to Minerals Supply Africa. However, according to internal statistics for Minerals Supply Africa, it has imported 360,565 kilos from Hill Side from January to the end of September 2009, more than double the amount recorded by official Democratic Republic of the Congo statistics. Mr. Bensusan informed the Group that he pre-finances *comptoirs* in Goma, including Hill Side. The computerized statistics obtained from Minerals Supply Africa have been archived at the United Nations.

209. Mr. Bensusan claimed that roughly 30 per cent of what he exports normally is sourced from Rwanda and the rest is sourced from the Democratic Republic of the Congo. The Group has nevertheless obtained certificates of Mr. Bensusan's exports from Rwanda this year, all but two of which are documented as having Rwandan certificates of origin, and which are destined as material eventually purchased by Cronimet, a company based in Switzerland which has a shareholding interest in Minerals Supply Africa according to Mr. Bensusan and Cronimet. The 42 certificates of origin give Mr. Bensusan's total exports from Rwanda to Cronimet from January to mid-September 2009 at just over 1,000,000 kilos. The Group has further evidence of other fraudulent sales of minerals to Mr. Bensusan, and is investigating whether these are also linked to Walikale. A sample of the certificates of origin for exports from Minerals Supply Africa to Cronimet has been attached to the present report and the rest are archived at the United Nations (annex 74).

210. Cronimet provides all Mr. Bensusan's production to Thailand Smelting and Refining Company (Thaisarco), held by AMC, a United Kingdom entity which has been mentioned above in the present report in the section on FDLR minerals trafficking.

SODEEM

211. Government mining officials and SODEEM representatives have calculated that SODEEM has exported officially 291,200 kilos of cassiterite between January and September 2009. Mr. Makabuza and his company representatives say that they are not aware of the identity of Mr. Ndahiriwe. Alexis Makabuza, the brother of Modeste, has transported Mr. Ndahirwe's cargoes from Walikale through his aviation company Stellavia (annex 75), which has delivered material to SODEEM. Mr. Ndahiriwe has also used other aviation companies such as Doren, Air Kasai and particularly Safe Air to transport his material.

212. The Group was informed by several traders based in the Democratic Republic of the Congo and Government officials that one of the biggest minerals traders operating fraudulently near Bisie in Walikale, as well as in many parts of South Kivu controlled by FDLR, is a trader called Frederic Mastaki Lubamba, alias "Senegalais". The Group was present when a Democratic Republic of the Congo Government official called Mr. Lubamba on speakerphone, and Mr. Lubamba confirmed that he had sold nearly all his production to SODEEM. The Group corroborated this from internal SODEEM documentation which marks "Senegalais" as a major supplier to SODEEM (annex 76).

213. The Group received official documents from Government mining agents who stopped a consignment of minerals in Butembo that had been undervalued at a trading site near Bisie and trucked through Kisangani in May 2009 on its way to Butembo and then Goma on behalf of Mr. Lubamba (annex 77). The truck drivers informed the Group that the minerals were sourced directly from the Bisie mine. SODEEM company representatives attribute this incident to corrupt government officials in Bisie who undervalued the goods on local government taxation documents and embezzled the difference.

214. The Group has obtained samples of a Government export permit and SODEEM's internal records indicating that all company purchases are sent to African Ventures Ltd. (annex 78), a company that has already been described in paragraphs 174 to 177 above and annex 61, as a front company operated with the

assistance of Chris Huber. Paragraphs 170 and 174 above show how African Ventures Ltd. has been purchasing from FDLR-controlled areas. As already mentioned, Mr. Huber is a Swiss businessman who has been widely cited by various Government officials and in public reports as having been involved in the large-scale transport of coltan out of the Democratic Republic of the Congo and Rwanda during the period of the Rwandan-backed RCD-Goma rebel occupation in eastern Democratic Republic of the Congo during the period 1998-2003. At that time, Mr. Huber worked with Rwanda Metals, a company then managed by Tri-Star Investments, which was set up by RPF. Mr. Huber now acts as a consultant on "Rwanda" or "the Democratic Republic of the Congo" and "troubleshooting of serious problems in Africa that cannot be handled by the staff of RMMC" (see annex 79) according to John Crawley, director of RMMC, a company which has an address at Shing Wan Road in Hong Kong, China, where African Ventures Ltd. is also based. RMMC is a supplier to the Thailand Smelting and Refining Company (Thaisarco), held by AMC, a United Kingdom entity. Mr. Crawley is also a director of the tantalum processing company, Niotan Inc., based in Nevada, United States.

215. Mr. Makabuza denied to the Group that he has any association with Mr. Huber, which contradicts several statements received by the Group in the Democratic Republic of the Congo and Rwandan trading industry. The Group also received information from credible sources that at least two of Mr. Huber's Russian associates have been working at one of SODEEM's properties, but were apparently instructed to leave Goma during the period when the Group deepened its research into this matter. One of SODEEM's founders is Isaac Bigwi Kalima, who is the son of Jean Malik Kalima, one of the top representatives of the private sector mining association in Rwanda (annex 80).

Box 2

International company networks related to Chris Huber and John Crawley

The Group established a connection between Chris Huber and a series of companies: African Ventures Ltd., RMMC, Niotan Inc., Niotan Ltd. and the Thailand Smelting and Refining Company (Thaisarco). In an e-mail to the Group on 16 October 2009, Mr. Huber said that he has acted as a consultant to African Ventures Ltd. for two years (annex 81). This company's address is on Shing Wang Road, in Hong Kong, China, which is where RMMC is based, according to export documentation that was supplied to Thaisarco (annex 82). John Crawley, who is a director of RMMC and Niotan Inc. (a company based in the United States that specializes in coltan) also informed the Group that Mr. Huber was a consultant for RMMC and was "an early investor in Niotan Inc.". Mr. Crawley informed the Group in late October 2009 that African Ventures Ltd. was "set up" by his father in 2005 and its trading activities are financed by RMMC (annex 83).

RMMC's chief executive officer is K. S. Jong, who signed a document renaming Niotan Ltd. as RMMC (annex 84). The decision to change Niotan Ltd's name to RMMC was shared with representatives of Thaisarco in an e-mail sent on 22 January 2009, which copied in Mr. Jong and Mr. Huber (annex 85). Mr. Huber has told the Group that RMMC used to supply all its minerals to Thaisarco and that he had a nine-year business relationship with Thaisarco. Mr. Crawley referred to one of Mr. Huber's main responsibilities for RMMC as "liaison with Thaisarco", operating in Rwanda and the Democratic Republic of the Congo and "troubleshooting of serious problems in Africa" (see annex 79).

Congolese suppliers of African Ventures Ltd. have given the Group different names of representatives working for African Ventures Ltd., including Peter Wong, based in Hong Kong, China, Peter Markusy and Abdud Samaad, a freight agent operating out of Mombasa. Mr. Crawley has informed the Group in writing that the owner of African Ventures Ltd. is "a person from China" and that the company has "no common shareholding to RMMC". Prior to these admissions Mr. Crawley had told the Group that he had very little knowledge of African Ventures Ltd. Mr. Crawley is on the executive committee of the Tantalum and Niobium International Study Center (TIC) and the working group for the development of a transparency programme in the following groups: (a) TIC; (b) EICC (Electronic Industry Code of Conduct Implementation Group); and (c) GeSI (Global e-Sustainability Initiative).

Following the Group's inquiries, Thaisarco has told the Group that it will be suspending all its purchasing activities from RMMC. Mr. Huber has sent a statement to the Group, insisting that RMMC has "made every effort" to conduct appropriate due diligence on purchases of minerals from the Democratic Republic of the Congo.

Pan African Business Group

216. The same pattern of connections to Mr. Ndahiriwe and to evacuations of minerals sourced from Bisie also apply to PABG. The Group has already shown above that PABG has purchased material from Mr. Ndahiriwe. The Group also documented that PABG was the consignee for the truck stopped by mining authorities in May 2009 in Butembo for undervaluing minerals at Bisie (annex 86) and which was seized alongside the consignment for Mr. Mastaki (which is described in para. 213 above). PABG company representatives have also blamed corrupt Government officials for issuing inaccurate paperwork on these consignments out of Walikale that were eventually seized at Butembo.

Competition for control of Bisie mine

217. The Group concludes that the above cases represent an overall pattern of systematic exploitation of the Bisie mine and fraudulent minerals exports by networks linked to military officials drawn from the former CNDP who have resisted the repatriation of foreign elements in their ranks.

218. The Group also notes the joint participation in the militarization of Bisie mine of a number of FARDC officials along with remnants of the 85th non-integrated brigade that had had previously shared mining revenues with the Kinshasa Democratic Republic of the Congo Government and military officials. The 85th brigade had previously occupied Bisie mine until being moved out by FARDC/CNDP units.

219. In particular, the Group notes that Colonel Etienne Bindu, the deputy commander of the eighth military region of North Kivu, has been directly involved in transporting minerals in his name. The Group obtained documents from the Régie des voies aériennes in Walikale showing Colonel Bindu as having moved minerals out by air (annex 87) in 2009. The Group also obtained a number of documents showing that Colonel Bindu has transported several cargoes of cassiterite out of Walikale using Safe Air Company, with the assistance of a Safe Air director "Sadoc", who is known to also act as a minerals dealer and who regularly supplies Hill Side (annexes 88 and 71). The Group gathered additional documents showing that Mr. Ndahiriwe has also used Safe Air company to transport his material (annex 89).

220. The Group understands that Colonel Bindu and his direct superior, General Vainqueur Mayala, the overall commander of the eighth military region of North Kivu, have been part of a wider power struggle for control of the mine, which culminated in the massacre of up to 30 people at Bisie on 13 August 2009 perpetrated by FDLR fighters working in conjunction with a Mai Mai leader, Sheka Ntabo Ntaberi, who was previously connected to three companies interested in exploiting the Bisie mine.

221. The massacre took place a few days following the order by Adophe Muzito, the Prime Minister of the Democratic Republic of the Congo, that the Bisie mine should be demilitarized. At a meeting held by Mr. Muzito in Walikale with civil society activists, local politicians, mining officials and businessmen on 7 August 2009, some of whom have given testimony to the Group, both Colonel Bindu and General Mayala were reported to have warned the participants that should the mine be demilitarized, it could fall prey to an attack by FDLR.

222. Witnesses, MONUC officials and mining, military and intelligence officials reported to the Group that Mr. Ntaberi was a key orchestrator of the massacre and worked with FDLR units and remaining units of the 85th brigade. An FDLR former combatant who had been based nearby Bisie corroborated this information. A witness of the attack stated to the Group that the perpetrators were wearing FARDC uniforms. The Group was also informed by FARDC and mineral trading sources that Mr. Ntaberi was equipped with a satellite phone provided to him by Colonel Bindu.

223. Mr. Ntaberi is a well-known figure in the mining community. He had previously been part of an association called Groupe minier Bangandula (GMB), a cooperative of local businessmen in Walikale working with Alexis Makabuza to exploit Bisie mine (annex 90). GMB had collaborated with COMIMPA (cooperative minière de Mpama Bisiye), a local artisanal mining association in Walikale that claimed it has rights to mine at Bisie mine. Mr. Ntaberi was a founding member of COMIMPA (annex 91) although he ended his relationship with COMIMPA on bad terms in early 2009 and began championing the interests of Mining and Processing Congo (MPC), a company with operations in the Democratic Republic of the Congo and Rwanda, held by Kivu Resources (shareholding structures available at

www.kivuresources.com), and which has an exploration permit covering the Bisie mine.

224. GMB and COMIMPA have had various legal disputes with MPC, which maintains the view that COMIMPA has been trying to encroach onto its property. COMIMPA has maintained that MPC has exploration rights only, and that COMIMPA is therefore allowed to work at the Bisie mine in accordance with mining regulations governing artisanal producers.

225. During the course of 2009 COMIMPA had partnered up with Oakridge Business Solutions, a United Kingdom and South African registered company that has bid for Government information technology projects in Rwanda, and which is run by Andre Van Zyl, a South African businessman. Oakridge Business Solutions had originally prospected to work in partnership with COMIMPA in exploiting gold deposits in the Oninga area of Walikale territory, but had then signed a joint venture contract to exploit the Bisie mine with COMIMPA.

226. The Group confirmed that Mr. Ntaberi defected from COMIMPA and started publicly promoting MPC's interests in 2009, while making a number of anti-Tutsi political statements. The Group also met Mr. Ntaberi at MPC headquarters in Goma in early 2009. MPC representatives say they had tried to persuade Mr. Ntaberi not to create any disturbances after he was barred from meetings held between COMIMPA and Oakridge.

227. The Group has confirmed that since the 13 August 2009 massacre, FARDC-CNDP troops, including those under the command of Captain "Zidane", have reinforced their position at Bisie. General Mayala wrote in September to a local official in Walikale promising to remove Captain Zidane (annex 92), but at the time of the drafting of the report in mid-October 2009, had failed to do so. In an e-mail to the Group on 22 October 2009, Mr. van Zyl informed the Group he intended to continue his work with Oakridge and COMIMPA at Bisie and that the Democratic Republic of the Congo authorities had returned his passport after confiscating it for a few weeks.

Kalehe territory, South Kivu

228. The Group received information from mining officials and testimonies obtained during field visits in South Kivu throughout its mandate that troops loyal to Lieutenant Colonel Zimurinda, formerly of CNDP, have taken over many of the mining zones identified in document S/2008/773 as having been occupied by FDLR. Lieutenant Colonel Zimurinda has been cited in the present report for resisting the demobilization of Rwandan elements within his brigade (see para. 182).

229. Several former combatants who deserted from Lieutenant Colonel Zimurinda's ranks confirmed his personalized control of many of the mines in Kalehe. Government officials also informed the Group on 24 September 2009 that roughly 1,500 kilos of wolframite carried by Lieutenant Colonel Zimurinda's officers were intercepted by military officials from Kalehe, and the officers were subsequently released. The officials informed the Group that the minerals were brought to the Goma warehouses of Etablissement Muyeye. The Group obtained documents showing that MDM and WMC were named as recipients of cassiterite coming to Bukavu from Nyabibwe, a mining zone where FARDC soldiers under Colonel Zimurinda's command have also been controlling production (annex 93). The Group

has already explained in paragraphs 166 to 171 and in paragraph 174 the links between MDM and WMC, which is a supplier to MSC. The Group has been informed by various traders and Government mining officials that Mr. Muyeye is also sourcing cassiterite from this zone. Muyeye, also mentioned above for purchasing minerals from FDLR-controlled areas, is a supplier to African Ventures Ltd.

Masisi territory, North Kivu

230. The Group was informed by minerals traders and CNDP sources that MH1, a *comptoir* run by Senator Eduoard Mwangachuchu and cited in document S/2008/773, is also working in collaboration with FARDC-CNDP military officers in his zone of exploitation. Eyewitnesses, mineral trading and CNDP sources have told the Group that MH1's coltan concession in Masisi, North Kivu, is under guard by armed elements and hosts a number of private arms caches that were not handed in by CNDP military at the time of integration. The Group has documents showing that MH1 supplies tantalum to African Ventures Ltd. (annex 94). Mr. Crawley has not been able to identify exactly to whom a recent shipment of coltan from MH1 was sold to and told the Group "I could only guess who will take this material, a Chinese factory most likely".

V. Forces républicaines fédéralistes

231. The Group has been researching the activities of FRF, a small Banyamulenge-dominated militia group based in the strategic Hauts Plateaux area of the high plateau around Minembwe, South Kivu, and which was born out of a Banyamulenge revolt against Rwanda during RCD-Goma rebel occupation of eastern Democratic Republic of the Congo during the period 1998-2003. FRF numbers approximately 150 fighters but acts as a fulcrum upon which the wider military crisis in South Kivu turns. The overall leaders of FRF are Colonel Venant Bisogo, President of FRF, and Colonel Michel Rakunda, chief of staff.

232. Since August 2009, dozens of FRF elements including senior officers in the movement have left the FRF's ranks and joined the integration process managed by General Pacifique Masunzu, the commander of the tenth military region. Several of these officers have been integrated into the FARDC 112th brigade, a Banyamulenge brigade that has also remained loyal to General Masunzu. The Group has documented links between the 112th brigade, FRF and FDLR (see paras. 47-55).

233. FRF has also had a historical link with CNDP of General Nkunda (see para. 191 above). Senior FRF and CNDP military officers were in frequent telephone contact with each other throughout 2008. During 2009, the Group has noted that some senior former CNDP officers have continued to be in touch with FRF, notably Colonel Eric Ruhorimbere, a former CNDP military commander, who was in telephone contact with the FRF high command four times between 3 June and 19 July 2009. FRF former combatants interviewed by the Group have confirmed ongoing contacts between the FRF and former CNDP officers.

234. The Group has investigated various avenues of support for FRF from the local Banyanlenge community and from local gold trafficking networks. Telephone records also illustrate that the movement has significant contacts with elements based in North America and Europe.

235. According to several sources interviewed by the Group in the high plateau, FRF receive logistical and general support from Banyamulenge communities in return for protection. FRF are also involved in raising taxes on local markets and gold trading, which according to the Group's estimates could earn the movement several thousand dollars a month. Many FRF commanders have close kinship ties to 112th brigade officers and are widely known to fraternize with them (see paras. 47-55 for more on FRF and 112th brigade support).

236. The Group established through multiple interviews and telephone log analysis that FRF have significant regional support networks based in Burundi and Rwanda. Among the international telephone calls with FRF numbers, 67 per cent were to Rwanda, 25 per cent were to Burundi and 3 per cent were to Uganda. The rest of the calls were made to Belgium, the Netherlands, the United Kingdom, France, Italy and Sweden. The Group notes that Jean-Baptiste Nzeyimana, an FRF associate liberated by the Democratic Republic of the Congo authorities in exchange for the release of hostages in early 2009, was deported to the United Kingdom and is reported to have a United Kingdom passport.

237. The Group analysed telephone logs which show a high frequency of Rwandan and Burundian calls during February 2009 and April 2009, periods when FRF were involved in the taking of hostages and during active combat in the Hauts Plateaux area. Following these crises, the frequency of FRF calls to and from Rwandan numbers diminished rapidly through September 2009, during the period when FRF were forging new alliances with FDLR. The frequency of FRF calls to and from Burundi has, however, remained consistently high even as the movement forged its alliance with FDLR.

238. The Group is analysing the links between FRF and TransAfrika, a South African company conducting exploration of gold in the high plateau and in Minembwe. The Group has established that the Director General of the company, Thomas Nziratimana, former Vice-Governor of South Kivu, was in contact 11 times with the military high command of FRF between April and July 2008. Mr. Nziratimana is widely known to harbour pro-FRF views. The Group also has credible information that the TransAfrika base at Minembwe is run by "Sadoc" who was a member of the FRF political delegation during the Goma conference of 2008. The Group continues to investigate these links.

239. The Group has obtained multiple testimonies of serious abuses of human rights committed by FRF, as will be further illustrated in the relevant section of the present report.

VI. Ituri militias and gold exploitation

240. The Group researched the support networks available to militia groups in Ituri, in particular the Front populaire pour la justice au Congo (FPJC) and the Front de résistance patriotique en Ituri (FPRI). FPJC was created in September 2008 from the remnants of various Ituri militias, including FRPI, which still has some residual though insignificant presence on the ground. The leaders of this militia alliance are Cherif Manda, Baraka Ngona and Mbadu Adirodu.

241. On the basis of MONUC's estimates, the FPJC alliance numbers not more than 200 fighting elements. While the last major attack launched by this movement took

place in September 2008, FPJC has been engaging in frequent pillaging and attacks on civilians in order to sustain its food and general supplies. According to MONUC and humanitarian agencies, the FPJC attacks resulted in the displacement of between 60,000 and 100,000 people in 2009. MONUC and Government officials have expressed concern about the rising number of attacks in Djugu territory of Ituri in 2009, which had been cleared of militia activity two years ago.

242. While FPJC activity appears to be most frequent in the Aveba area of Irumu territory, the Group has obtained recent information from MONUC and former militia combatants that the militia alliance also has a presence north of Fataki in Djugu territory, near Libi. Both Libi and Aveba are well known gold-mining spots. Former militiamen, MONUC and mining interlocutors have reported to the Group that FPJC elements are taxing and exploiting gold in both areas and are either selling gold in Bunia or trading with business networks who smuggle the material across the border to Uganda.

243. Several gold traders interviewed separately in Bunia in September 2009 informed the Group that the main buyers of gold in Bunia are Rajendra Vaya (known locally as Raju) and J. V. Lodhia (known locally as Chuni), two Kampala-based gold traders who are directors of sanctioned entities (see para. 133 above). Traders informed the Group that these Kampala-based businessmen have been pre-financing large amounts of gold buying, smuggling cash into the Democratic Republic of the Congo by road through the border zones and paying above market prices to control the market.

244. A local trader called Edmond Kasereka who trades in Bunia, and who is a brother of Mr. Kisoni (see para. 128 of the present report), supplies the Lodhia family in Kampala (annex 95) according to local gold traders. The Group has been informed by numerous trading sources that Mr. Vaya works with a dealer called "Exodus" in Bunia. The Group met employees in the shop of "Exodus" who told the Group that their boss supplied an Indian family in Kampala with gold.

245. The Group was informed by Government officials that only one gold-exporting house, COPED, has been issued with an official licence. COPED is financed principally by Arif Mulji, a Ugandan-based businessmen. COPED is buying gold from Bavi, in Aveba, according to information on the purity of gold purchased by COPED (annex 96).

246. Government mining officials also reported to the Group that a consortium of Lebanese businessmen working on behalf of the Governor of Orientale Province has set up a private unlicensed gold exporting house called Okimo. The Group has obtained a document showing that Okimo has supplied gold to a company in Dubai (annex 97).

247. The Group has been informed by MONUC and security sources that a number of FPJC officers spend time in Uganda on a regular basis.

VII. Lord's Resistance Army

248. The Group focused part of its investigations on activities and support networks of the Lord's Resistance Army (LRA). Due to its limited capacities, logistical difficulties and insufficient information received by the Group from Member States

involved in joint military operations against LRA in eastern Democratic Republic of the Congo (operation Lightening Thunder), the Group's results have been limited.

249. The Group shared information on LRA with the Ugandan security agencies, in particular information relating to telephone numbers dialled on LRA satellite telephones. The Group also attempted to share information during its visit to Kampala from 9 to 17 June 2009, through which it was hoping, with the assistance of the Ugandan authorities, to identify external support networks. However, in the course of the exchanges with Ugandan security officials, the Group obtained only general information and was not able to have access to specific and concrete elements which emerged from the joint military operations conducted in the Democratic Republic of the Congo against LRA. On 24 June 2009 the Group wrote, on the advice of Ugandan security officials, to General Aronda Nyakairima, chief of the Ugandan People's Defence Force (UPDF), requesting a meeting to discuss further information relating to LRA military equipment seized during operation Lightening Thunder and the possibility of debriefing captured LRA soldiers and gaining access to debriefs of child soldiers released from LRA captivity, but did not receive a reply.

250. As a result of the offensive jointly led by FARDC and UPDF between December 2008 and February 2009, the LRA elements have scattered into a few groups numbering less then a few dozen elements each and operating separately.

251. The LRA attacks on the civilian population in the east of Orientale Province in the Democratic Republic of the Congo and southern Central African Republic in 2008 and 2009 suggest that the movement has not received any recent substantial supply in terms of military equipment. The Group considers that the overall strength of LRA military capacity has been reduced as a result of the Democratic Republic of the Congo-Uganda joint military operations, but this may also serve to further explain the LRA's strategy of continuing to target vulnerable civilian populations as a way to maintain the movement's relevance as a spoiler.

252. In addition, the Group notes that while in the past, the LRA's military command could benefit from political support of a network of Ugandan diaspora, such support has significantly weakened since December 2008. This is corroborated by testimonies gathered by the Group and telephone log analysis, as communications between LRA commanders and foreign members have decreased. However, data obtained by the Group (see annex 98) also show that LRA top military commanders have been in communication with telephone numbers located in five different countries: France, Kenya, Uganda, the United Kingdom and the Sudan.

253. The frequency of communications has been significantly decreasing since January 2009, especially international communications. Over the course of the eight-month period analysed by the Group, only five international communications were made by the LRA top military commanders. All those communications were made through the same satellite telephone by text message, on the same date and to the same Kenya-based number.

VIII. Notification to the Sanctions Committee on deliveries of military equipment to the Democratic Republic of the Congo and provision of training to the Forces armées de la République démocratique du Congo

254. During its mandate the Group undertook to monitor compliance with paragraph 5 of resolution 1807 (2008), especially in connection with its earlier findings regarding the diversion of military equipment from FARDC to non-governmental armed groups (see S/2008/773). The Group undertook such monitoring of military equipment into the Democratic Republic of the Congo pursuant to paragraph 1 of resolution 1857 (2008), as it is necessary to understand how FARDC stockpiles are functioning. Failure of Member States to notify the Committee of exports of military equipment to the Democratic Republic of the Congo also has an impact on the institutional lack of transparency of Democratic Republic of the Congo security sector reform initiatives supported by some of the same Member States. Lack of notifications also makes it more difficult to differentiate between legitimate and illegitimate transfers of military supplies and to react in cases of diversion in a timely fashion.

255. Similarly, the Group monitored any possible training related to military activities provided by Member States, also subject to a notification obligation pursuant to paragraph 5 of resolution 1807 (2008).

256. The Group worked closely with MONUC in implementing this area of its mandate but regrets not having been able to hold any technical meetings with the Democratic Republic of the Congo Ministry of Defence, despite numerous attempts to initiate a constructive dialogue.

Arms and ammunition deliveries

Deliveries to the ports of Boma and Matadi

257. The Group of Experts obtained documentation on the importation of arms and ammunition at Boma and Matadi ports during its current mandate. The *Bi Ro Bong*, a ship registered in the Democratic People's Republic of Korea, docked at Boma Port on 21 January 2009, and departed on 3 February. Interviews held by the Group in Boma, Matadi and Kinshasa confirmed that the ship contained arms and ammunition; one FARDC officer cited specific weapon types, but the Group was unable to verify this information. The Group obtained a Democratic Republic of the Congo Government document from the Port of Boma citing that the *Bi Ro Bong* offloaded 3,434.6 tons of military weaponry ("armament militaire") for FARDC. This document has been archived at the United Nations. The Group notes that this figure surpasses the ship's registered maximum cargo tonnage. However, this figure is approximately 15 per cent higher than another cargo carried by the ship outside of Africa, which also surpassed the ship's official maximum tonnage.

258. The volume of military cargo emerges from invoices prepared by the Office national des transports for the Democratic Republic of the Congo Ministry of Defence, for the offloading of the ship for 13 days (selections of these documents are available in annex 99). FARDC prevented Congolese port authorities from verifying the cargo, or even approaching the ship, and the ship's captain refused to sign official port documentation. The result was that this ship's cargo completely

bypassed all official importation channels established by the Congolese State. FARDC military trucks imported from China in September 2008 (see below) were used to transport the cargo from Boma to Camp Kibomango in Kinshasa under the protection of the Garde républicaine over a period of two weeks. The arms appear to have thus avoided the normal logistics distribution process through the FARDC logistics base at Camp Kokolo in Kinshasa. The Group was further informed that instructors from the Democratic People's Republic of Korea trained the FARDC in Kinshasa in May 2009, but it is unknown whether the weapons systems that they operated were part of the *Bi Ro Bong*'s cargo. The Group sent a letter of inquiry to the Government of the Democratic People's Republic of Korea concerning the cargo of the *Bi Ro Bong* but did not receive a reply. The Group was unable to discuss this issue with the Democratic Republic of the Congo Ministry of Defence. This case shows typical characteristics of an opaque arms deal, indicative of a trend in the importation and stockpiling of defence equipment by the Government of the Democratic Republic of the Congo.

259. The Group obtained information on another example of ammunition and equipment imported by the Democratic Republic of the Congo Ministry of Defence at the port of Matadi in May 2009. This cargo, offloaded from the Chinese vessel *An Xin Jiang*, appears to represent a case of an official transfer of military equipment to the Government of the Democratic Republic of the Congo, in line with a notification from the Government of China of an expected delivery of arms and ammunition at the end of May 2009. The Group has, however, been unable to confirm the exact contents of the ship's cargo with either the Chinese or the Democratic Republic of the Congo authorities. China informed the Committee that arms and ammunition would be delivered to the Democratic Republic of the Congo in late May 2009 for use in China's training programme for FARDC, but details on the exact arrival date, the name of the vessel and details of the containers were not provided, despite the Group's requests for clarification.

260. The vessel, flying the Chinese flag, and operated by the China Ocean Shipping Company, arrived in Matadi on 18 May 2009 and offloaded 16 containers weighing 190.66 tons. The manifest of the shipment noted the cargo contained 8 containers of ammunition and 11 containers of "equipment" (3 containers of equipment also contained ammunition). FARDC military trucks transported this cargo out of the port according to port authorities.

261. The Group was unable to ascertain whether the cargo declared by China in its notification to the Sanctions Committee comprised the entirety of the *An Xin Jiang*'s cargo destined for the Democratic Republic of the Congo Ministry of Defence, if indeed this was the same shipment. The Group noted a general correspondence between the approximately 120.02 tons of ammunition listed on the *An Xin Jiang*'s cargo manifest, and the likely packed weight of the ammunition listed on the Chinese notification. The correspondence between the 70.64 tons of "equipment" offloaded by the *An Xin Jiang*, and the likely packed weight of the arms declared by China in its notification is less certain. Indeed, the manifest and bill of lading do not distinguish between arms and "equipment" destined for FARDC.

262. The bill of lading names the port of loading as Dalian, China; the shipper as "BOMETEC, GEHQ, PLA, China"; and the consignee as the Democratic Republic of the Congo Ministry of Defence (annex 100). The Group believes that BOMETEC is the acronym used for China's Bureau of Military Equipment and Technology

Cooperation, with an address of GEHQ, PLA, China, reportedly the general headquarters of the People's Liberation Army of China.

263. The Group of Experts wrote to the Government of China on 28 April and 3 September 2009 seeking clarification on the ship's name associated with China's notification to the Committee, the numbers and weights of containers used to pack the cargo, and markings on the arms and ammunition to be delivered. At the time of writing, China has informed the Group that it requires more time to further clarify this issue. The Group was also unable to hold meetings with the Democratic Republic of the Congo Ministry of Defence. As a result, the Group has been unable to ascertain decisively whether the cargo offloaded by the *An Xin Jiang* corresponded to China's official notification to the Committee or whether this cargo arrived in the Democratic Republic of the Congo in addition to the military equipment officially declared by China.

264. On 3 September 2009 the Group requested additional information from China concerning its training programme for FARDC that commenced in 2008, and at the time of submission of this report was waiting for a reply. China submitted a notification to the Committee on 13 June 2008 concerning the dispatch of a 16-member team of experts to the Democratic Republic of the Congo for a one-year training programme. The actual date of commencement is not clear, meaning that there is no approximate date for the expiration of the training programme in 2009. The arms and ammunition sent to the Democratic Republic of the Congo as cited in China's notification of 15 April 2009 for a cargo to arrive at the end of May would appear to have been delivered very late in the training programme — more than 11 months after the June 2008 notification citing the dispatching of experts to the Democratic Republic of the Congo for the one-year programme. China further provided a notification to the Committee dated 28 August 2009 concerning the commencement of another one-year training programme to start soon after the date of the notification.

Deliveries to Kisangani and Kinshasa airports

265. The Group of Experts presented information on arms deliveries by aircraft requisitioned by FARDC in its May 2009 interim report (S/2009/253). The Group subsequently obtained further evidence concerning these flights, as well as for deliveries cited in its December 2008 final report (S/2008/773). Furthermore, the Group obtained evidence that arms transport flights originally believed to be internal movements in fact originated outside of the Democratic Republic of the Congo. Testimony and documentation provided to the Group confirms that 18 arms transport flights to the Democratic Republic of the Congo originated in Khartoum between September 2008 and February 2009. Aviation officials with inside knowledge of several of the flights informed the Group as to the nature of the cargo, which enhanced observations made by the previous Group of Experts in late 2008. The Group also obtained confirmation of the movement of aircraft from Congolese airport logbooks, and logs of flight plans raised by Khartoum International Airport. These documents have been archived at the United Nations.

266. The Group obtained additional evidence to support information provided in document S/2008/773 concerning five flights by Hewa Bora's Boeing 707, registered 9Q-CKR, which was requisitioned by FARDC. Further testimony and documentation supports the previous conclusions that the aircraft carried arms and

ammunition for FARDC from Khartoum to Kisangani in September 2008. Logbooks at Kisangani's Bangoka airport confirm that the flights arrived from Khartoum with the operator named as FARDC. Flight plans were also sent by telex from Khartoum International Airport to Ndjili Airport, Kinshasa, for the flights concerned (see annex 101 for one example; all copies of telex flight plans have been archived at the United Nations).

267. Apart from the five Hewa Bora flights transporting arms and ammunition to Kisangani from Khartoum in September 2008, the Group obtained further testimony that arms and ammunition were transported on an additional four requisitioned flights of Hewa Bora's same Boeing 707 9Q-CKR in December 2008 and February 2009, as outlined in the Group's interim report (para. 69, S/2009/253). The arms were loaded onto the aircraft at the military apron of Khartoum International Airport under the supervision of Sudanese authorities. The first two flights occurred on 4 and 5 December 2008, and copies of the Ndjili logbooks show that the aircraft was registered as having arrived from Khartoum. The Group also obtained flight plans raised by Khartoum International Airport for these flights (annex 102). Moreover, a "Formulaire de trafic RVA" for the arrival on 4 December 2008 notes that the aircraft carried 32 tons of cargo for FARDC, with an FARDC stamp on the document (annex 103). The Group received testimony concerning the third and fourth flights, but logbooks at Ndjili cite the origin of the flights as Isiro. The Group visited Isiro but there was no record of the aircraft arriving at the airport, nor at Gbadolite, the airport of destination according to the flight plan submitted by Hewa Bora on departure from Kinshasa on 11 February 2009. The Group did, however, obtain the flight plan issued by Khartoum International Airport for the flight of 9Q-CKR on 12 February (annex 104). The Group did not locate a flight plan issued from Khartoum for the 14 February flight but one of the sources mentioned above confirmed that the aircraft loaded 24,000 litres of Jet A-1 fuel in Khartoum, departed at 0605 Zulu time, and carried 26.768 tons of military equipment.

268. The most recent corporate statutes for Hewa Bora Airways SARL, dated 4 April 2008, show that Philippe de Moerloose, a Belgian national, owns approximately 70 per cent of the company's shares. Mr. de Moerloose is also the Chief Executive Officer of Demimpex VRP S.A., the company that brokered the delivery of military vehicles for the Democratic Republic of the Congo Ministry of Defence in 2008.

269. The Group of Experts also obtained evidence that nine flights by Enterprise World Airways (EWA) from September to November 2008, which were previously identified as domestic flights transporting military equipment, in fact arrived in Kisangani from Khartoum. Logbooks from Kisangani's Bangoka airport confirm that EWA's Boeing 707 registered 9Q-CRM operated for FARDC and arrived in Kisangani from Khartoum operating for FARDC on 25, 26 and 27 September; 27, 28, 29, 30 and 31 October; and 1 November 2008. The Group also obtained flight plans filed by Khartoum International Airport for all nine of these flights (see annex 105; all copies of telex flight plans have been archived at the United Nations). The Group observed the unloading of arms and ammunition from 9Q-CRM at Bangoka on 27 October 2008 but was previously unaware that this was an international flight. See annex 105 again for the flight plan raised by Khartoum for this flight. During this mandate, the Group has been able to confirm that these aircraft arrived in Kisangani with equipment for FARDC.

270. The Group's final report in 2008 noted that EWA was run by Charles de Schrijver (para. 160, S/2008/773). Civil aviation authorities in the Democratic Republic of the Congo informed the Group that Mr. de Schrijver was in charge of aviation for the Democratic Republic of the Congo Presidency. The Group has also obtained documentation for the import of freight by Mr. de Schrijver that provides his address as the Presidency.

271. The evidence presented above concerning arms flights from Khartoum to Kisangani and Kinshasa clearly shows repeated violations of paragraph 5 of resolution 1807 (2008) by the Government of the Sudan. The Group requested information on the four flights in December 2008 and February 2009 but the Government of the Sudan replied that no such flights had occurred, which is directly contradicted by three flight plans for these flights raised by Khartoum and transmitted to Kinshasa. The Group further requested that the Government of the Sudan provide copies of logbooks from Khartoum International Airport in accordance with paragraph 7 of resolution 1596 (2005), but, at the time of writing, the Group had not received a reply to that request.

272. The Group also notes that the requisitioning of aircraft by FARDC can have a negative impact on aviation safety in the Democratic Republic of the Congo. The Group is not aware of any dangerous goods declarations that should have accompanied the cargo of the EWA and Hewa Bora flights from Khartoum to the Democratic Republic of the Congo. Seemingly, FARDC requires that aviation companies disregard the International Civil Aviation Organization's regulations concerning the safe transport of dangerous goods by air under the pretext of military secrecy. The Congolese Civil Aviation Administration (AAC) informed the Group that it was not concerned with the operation of military flights, and could not provide the Group with a list of companies with aircraft requisitioned by FARDC or the dates of requisition. Many companies in eastern Democratic Republic of the Congo, for example, operated for FARDC in early 2009 for specific flights or set blocks of time, but the Administration is seemingly unable to distinguish between flights that have been requisitioned and those conducting commercial operations.

Attempted purchases

273. The Group has been informed about several notable attempts by the Democratic Republic of the Congo authorities to purchase arms, ammunition and military equipment. Some of these occurred in mid- to late 2008, with the most recent in August 2009. The Group received information about a request by the Government of the Democratic Republic of the Congo to the Government of the Russian Federation to acquire large amounts of ammunition and military vehicles in mid-2008. The Group was also informed that an individual in the Presidency of the Democratic Republic of the Congo sought to purchase weapons from France and South Africa in mid- and late 2008, respectively. The Group was further informed that none of these deals had occurred. The Group also received information concerning a potential arms deal between the Democratic Republic of the Congo and the Islamic Republic of Iran scheduled for early 2009, but which has reportedly been put on hold.

274. The Group obtained information concerning the attempted sale of military equipment, including helicopter parts, to the Government of the Democratic Republic of the Congo in August 2009 by a Russian national named Dmitry Popov.

Mr. Popov visited the Democratic Republic of the Congo from 7 to 12 February 2009 and again from 28 August to 1 September 2009 using two Russian passports from different regions in the Russian Federation. The passports and hotel bills of Mr. Popov are attached to the present report (annex 106). The Group has determined that this individual is not the same Dmitry Popov who had operated blacklisted aviation companies in eastern Democratic Republic of the Congo in collaboration with Viktor Bout. The Group understands that this individual was introduced to a ranking authority handling military procurement in the Congolese Presidency by a Congolese diplomat in Eastern Europe, and that Mr. Popov's activities were not known to the Government of the Russian Federation. The Group has forwarded a request to the Government of the Russian Federation seeking additional information on this individual and is awaiting a reply.

275. The Group noted that several days after the departure of Mr. Popov, an Ilyushin (IL-62) aircraft formerly registered with Centrafricain Airlines and Jetline International and now registered in the Libyan Arab Jamahiriya, was scheduled to conduct a cargo flight from Tripoli to the Democratic Republic of the Congo, with onward routing to Mozambique and return to the Democratic Republic of the Congo and Tripoli. The Group is investigating a possible link between Mr. Popov and these two airlines. The aircraft, registered 5A-DNY, was listed with a Libyan Arab Jamahiriya Air Force call sign, and was provided with overflight and landing authorization by the Democratic Republic of the Congo Ministry of Defence (annex 107). The Group has not been able to determine if this aircraft indeed arrived in the Democratic Republic of the Congo since no destination airport was provided in the landing permission. However, the Group did document the arrival at Ndjili airport of another Libyan Arab Jamahiriya aircraft, 5A-UAC, on 5 September 2009 from Mitiga, Libyan Arab Jamahiriya. The aircraft then departed on 9 September with a declared destination of Maseru, Lesotho. The Group requested information from the Government of the Libyan Arab Jamahiriya and is awaiting a reply. This second aircraft appears to be a Bombardier BD-700-1A11, but details of the operator and type of aircraft were not noted in the Ndjili airport logbooks when the aircraft arrived, and erroneous details were provided on its departure.

Importation of military vehicles for the Forces armées de la République démocratique du Congo

Steyr transport vehicles

276. The Group of Experts documented the delivery of 50 Steyr tractor trucks and tank-carrying trailers (40 of which were specified to be painted in military colours) from China to Matadi in September 2008. The bills of lading for the shipments note the consignee as the Government of the Democratic Republic of the Congo with the cargo description stating that it was by order of the Ministry of Defence. The Group photographed 11 of these trucks in Kisangani utilized by the Garde républicaine (annex 108). Several interlocutors of the Group, including FARDC officers, also confirmed that approximately 20 of the trucks and trailers were used to transport a consignment of arms delivered by a Democratic People's Republic of Korea vessel from Boma to Kinshasa in late January and early February 2009 (see case above).

277. The Democratic Republic of the Congo Ministry of Defence ordered 10 tractors and tank-carrying trailers from the Belgian company Demimpex VRP S.A. on 23 November 2007 (MDNAC/CAB/2338/2007), and another 40 specified in

military colour on 15 April 2008 (MDNAC/CAB/0633/2008) (annex 109). Demimpex informed the Group that the trucks and trailers were manufactured by Sinotruk (Hong Kong, China) Limited Africa Export Division, China National Heavy Duty Truck Corporation, Shandong Import and Export Company Limited, Jinan, China. The deliveries were made by ship from Xingang, China, to Matadi on 1 September and 10 September 2008, respectively, the first by the *Safmarine Andisa* and the second by the *Safmarine Akwaba*.

278. The Group submitted a letter to Demimpex on 8 October 2009 requesting information on other possible transfers of equipment brokered or supplied by the company to the Democratic Republic of the Congo Ministry of Defence, but at the time of writing the request was still pending. In response to the Group's request of 5 October 2009 the Belgian authorities informed the Group that Demimpex had not been granted any licence under the Belgian law of 5 August 1991 regarding the import, export and transit of arms, munitions, military equipment and related technology (modified by the law of 25 March 2003). The Group notes that the Belgian legislation on brokering applies to Belgian nationals and companies independent of whether the arms or military material pass through Belgian territory.

279. The Group obtained a bill of lading for the delivery of seven green-coloured Foton trucks for the Ministry of Defence in September 2008 (annex 110). The trucks were shipped by Zhejiang Cathaya Transtra Co. Ltd., in China from the port of Xingang aboard the *Safmarine Andisa*, which arrived in Matadi on 1 September 2008. The consignee is listed as Genedis [sic] for the account of the Ministry of Defence. The address of this company is provided as Genedis SPRL, Avenue Senegalaise 18, Kinshasa. The Group was unable to locate this company in Kinshasa or any indication that the company is registered in the Democratic Republic of the Congo. The Group did obtain another bill of lading issued on 25 May 2007 for 22 tons of olive green camping beds for FARDC that provides an address for Genedis SPRL in Martinique. At the time of writing, the Group has been unable to determine if these two companies are related.

Land Rover Defenders

280. The Group of Experts made numerous observations of Land Rover Defender 110 vehicles operated by FARDC in Kinshasa, Kisangani and Goma. The Group ascertained that these vehicles were supplied to FARDC by the company CMC Automobiles SPRL in Kinshasa, and obtained photographs of unused Defenders with the company's logo adhered to the interior of the windscreen (annex 111). CMC in the Democratic Republic of the Congo is in turn associated with CMC Automobiles Limited in Tanzania.

281. A shipping identification sticker from one of the vehicles obtained by the Group shows that the particular Land Rover was imported into the Democratic Republic of the Congo in early 2008 and painted white (annex 112). The Group sent an official inquiry to CMC Automobiles SPRL and CMC Automobiles Ltd., but did not receive a response. The Group provided four chassis numbers of FARDC Defender 110 vehicles to Land Rover and requested assistance in identifying the first purchaser. Land Rover informed the Group that the vehicles were not military specification, and were not supplied by Land Rover to the Democratic Republic of the Congo. Land Rover further informed the Group that the vehicles were sold in

2007 to Careystone International in Tortola, British Virgin Islands, a company connected to CMC Tanzania Ltd., and an authorized Land Rover importer.

Santana PS-10 Anibal military vehicles

282. The Group observed five new Santana PS-10 Anibal military utility vehicles operated by FARDC on 14 August 2009. The Group sent an official request with the chassis number of one of the vehicles (number 102559) to Santana Motor SA in Spain. The Group followed up with a second request, including the chassis number of another Anibal PS-10 vehicle. Santana replied to the Group that no Santana vehicle, including PS-10 or any other model, was sold directly to the Democratic Republic of the Congo, which was confirmed by a letter from the Government of Spain. At the time of writing the present report, the Group's inquiry sent to Santana regarding the chassis numbers associated with two Anibal PS-10 vehicles it had observed remained outstanding.

283. The Group obtained a copy of a cargo manifest for the ship *Ceynowa*, which shows that Demimpex VRP shipped four Santana PS-10 vehicles to Demimpex Afrique in the Democratic Republic of the Congo on 24 December 2007 (annex 113). One of the vehicles on the manifest, chassis number 102559, is the same vehicle that the Group observed with FARDC in August 2009.

Procurement of foreign aircraft by the Congolese Air Force

Boeing 727

284. The Group of Experts obtained information on the procurement of a Boeing 727 aircraft by the Government of the Democratic Republic of the Congo for FARDC. The aircraft departed Opa-Locka Executive Airport, Florida, United States, on 24 July 2009 for St. John's International Airport, Newfoundland, Canada, with United States registration number N-727YK (serial number 19806). The aircraft arrived in the Democratic Republic of the Congo with a flight plan from Senou International Airport, Bamako, on 25 July 2009 (annex 114). According to aviation officials at Ndjili airport, the aircraft was transferred immediately to the FARDC hangar, where it was repainted after several weeks and provided with a Congolese Air Force registration number 9T-TCK (annex 115). The aircraft then performed a local flight with its new military registration on 29 September 2009, and thereafter commenced FARDC flights.

285. The aircraft was purchased for $806,000 on 24 June 2009 by Mr. Timothy Roman, a United States national and former personal pilot of Joseph Kabila, from a company in Miami, Florida, using an aircraft broker in Oklahoma City, Oklahoma. The Group was informed by an aviation industry source close to the deal that Mr. Roman purchased the aircraft for the Government of the Democratic Republic of the Congo. The United States Federal Aviation Administration lists Mr. Roman's company, Professional Maintenance Services Incorporated in Hazleton, Pennsylvania, as the last owner of the aircraft, with the aircraft having been deregistered on 5 August 2009 because it was exported to the Democratic Republic of the Congo. The Congolese Civil Aviation Administration had no knowledge of this aircraft, and N-727YK does not appear in the Administration's most recent database. According to the testimony of sources, and due to the fact that this aircraft does not appear on the civilian aircraft register, the Group believes that N-727YK

was supplied to the Ministry of Defence upon arrival in the Democratic Republic of the Congo.

286. At the time of writing, the Group has been unable to obtain information on the sale and export of this aircraft to the Democratic Republic of the Congo and requested further information from the Governments of the United States and the Democratic Republic of the Congo. The Group contacted Mr. Roman, who said that the aircraft was sold by his company in Pennsylvania to Wimbi Dira Airways in the Democratic Republic of the Congo, a company in which he serves as the Chief Executive Officer.

AN-12s

287. The Group of Experts obtained documentation on the arrival of three Antonov (AN-12) aircraft in the Democratic Republic of the Congo in late 2008 and early 2009 for the Congolese Air Force. The aircraft flew into the Democratic Republic of the Congo with civilian registration numbers from Sao Tome and Principe, and two of them were subsequently repainted with Congolese Air Force tail numbers for military transport operations (annex 116). The aircraft are leased to the Government of the Democratic Republic of the Congo by an individual reportedly of Ukrainian nationality, but who operates a company based in Fujairah, United Arab Emirates. The aircraft are no longer airworthy according to the Antonov Design Bureau so their delivery to the Democratic Republic of the Congo not only constitutes a violation of paragraph 5 of Security Council resolution 1807 (2008) but their use also poses a potential aviation safety hazard.

288. The Group has forwarded documentation and relevant information to the Congolese Régie des voies aériennes for further action. The Group also raised the issue of the AN-12 operations with the Congolese Civil Aviation Administration, but was informed that operations of military aircraft do not concern the Administration.

289. The first aircraft, registered S9-GAW (manufacturer's serial number 5343103), arrived at Kisangani's Bangoka airport from Entebbe, Uganda, on 26 September 2008, with FARDC recorded as the aircraft operator. Airport records for Entebbe show that the aircraft's flight plan had been filed with the destination of Goma and not Kisangani, which is clearly incorrect, and the aircraft is not recorded as having arrived in Goma. After arriving in Kisangani, the aircraft then flew to Kisangani's other airport, Simi Simi, and on 27 October it began operating as 9T-TCH (9T being reserved for the Congolese Air Force).

290. The second aircraft, S9-PSM (serial number 5343006), arrived at Bangoko on 11 November 2008 from Jomo Kenyatta airport, Nairobi, and Bangoka's airport records show FARDC as the aircraft operator. Overflight records provided by Uganda note that the aircraft's declared destination of Kisangani was correct, but the declared operator was given as Skywing, a company in Baku that no longer operates. The aircraft flew from Bangoka to Simi Simi, where it was given a military registration number (9T-TCI), under which it began operating on 14 November.

291. The third aircraft, S9-PSK (serial number 8345807), arrived at Simi Simi on 12 February 2009 with FARDC recorded as the operator. Ugandan overflight records show that the aircraft flew into the Democratic Republic of the Congo from Djibouti. It is unclear which 9T registration this aircraft was given as it is still

parked at Simi Simi, allegedly due to technical problems. The aircraft's civilian registration is still visible, and officials of the Régie des voies aériennes informed the Group that the aircraft had initially been given a 9T registration.

292. The aircraft are owned by Mr. Anatoliy Lovin (also spelled Liovin) whose business card notes that he is a People's Deputy of Ukraine of the IV Calling (annex 117). The Government of Ukraine did not reply to a request by the Group seeking to verify Mr. Lovin's nationality. Mr. Lovin operates and signs on behalf of Styron Trading, a company based in Fujairah, the United Arab Emirates (see also annex 117). Mr. Lovin did not reply to an e-mail from the Group requesting information, but he did verbally inform the Group by telephone from Ukraine that his aircraft were operating under contract for the Government of the Democratic Republic of the Congo, but that the details of the contract were a State secret. The Group sought information on Styron Trading from the United Arab Emirates, but the Emirates authorities did not reply to the Group's request. The Group was unable to discuss this case with the Democratic Republic of the Congo Ministry of Defence.

293. The Group obtained documents showing that the three AN-12s operated by Styron in the Democratic Republic of the Congo, S9-GAW, S9-PSK and S9-PSM, were deregistered by the Sao Tome and Principe authorities in July 2009 (annex 118). The Group further obtained documentation from the Antonov Design Bureau regarding these three aircraft. According to research conducted by Antonov based on the manufacturer serial numbers of the AN-12s, all three aircraft have bypassed either their service lives (S9-GAW and S9-PSM) or time between overhauls (S9-PSK). The Antonov Design Bureau therefore informed the Group that the operation of these aircraft is unsafe and impermissible without mandated servicing by specialists of Antonov Aeronautical Scientific/Technical Complex (annex 119).

Mi-24 attack helicopters

294. The Group received documents concerning the proposed sale of two Mi-24v attack helicopters and spare parts, which appear to be related to a case of helicopter parts delivered to the Democratic Republic of the Congo in October 2007 as cited in the Group's 2008 interim report (S/2008/772). One document is printed on letterhead of Ukrspetsexport (a Ukrainian State-owned arms trading company), dated 4 October 2007, number 29/6.3-7509, and is signed by A. Sharapov, director of Ukroboronservice, and addressed to Major General Massamba Musungu, Chief of Staff of the Congolese Air Force, referencing an urgent order of spare parts for Mi-24 helicopters (annex 120). The invoice is for 454 items weighing 1.5 tons and valued at $418,122. The Group received another document, which is an unsigned and undated contract of sale for two Mi-24v helicopters, rotor blades and associated servicing in the end-user's country, between Ukroboronservice and the Democratic Republic of the Congo Ministry of Defence. MONUC noted that two Mi-24 helicopters were scheduled to arrive in Goma on 1 December 2007. The Group notes that operations of the Mi-24 helicopters continue to pose a threat to MONUC aviation assets because the helicopters do not communicate with the Goma control tower and FARDC does not notify MONUC of the general locations of their operations.

Training of the Forces armées de la République démocratique du Congo

295. Under paragraph 5 of its resolution 1807 (2008), the Security Council decided that all States are to notify in advance to the Committee any provision of assistance, advice or training related to military activities in the Democratic Republic of the Congo. The Group's final report of December 2008 (S/2008/773) noted that Angola, South Africa and the United States had not notified the Committee as required. The United States had written to the Group on 19 November 2008 and said it was "making every effort to look into this matter". Following several requests by the Group during the current mandate, the United States subsequently submitted a post-facto notification on 10 July 2009. The Group submitted a further request on 31 July 2009 to clarify the discrepancy between information contained on the website of the United States Embassy in Kinshasa citing training of the FARDC in "fire support", and the notification that omitted such wording. The Group has also sought additional information concerning training performed by China in the Democratic Republic of the Congo between 2008 and 2009, but has not received a reply to its letter of 3 September 2009.

296. Notifications by Angola and South Africa remain outstanding. Angola continues to train FARDC at Kitona Base, and South Africa is planning to conduct the last stage of its training programme. The Group was informed by South Africa that that country had loaned weapons to FARDC for training in 2008. The Group informed the Government representative that this event and other similar future programmes should be subject to a notification to the Committee. The Group also submitted a request to the Government of Greece for clarification of its reported training programme for FARDC, requesting a response by 27 October 2009. Democratic Republic of the Congo Ministry of Defence Information Bulletin No. 3 of June-July 2009 notes that several Congolese officers were and continue to be trained in Greece. On 20 November 2009, the Group received a letter from the Permanent Mission of Greece to the United Nations clarifying that the training took place in the context of bilateral cooperation with sub-Saharan countries and involved 12 cadets from the Democratic Republic of the Congo to be trained in Greek military academics. The letter further clarified that according to Greek law, cadets are not considered officers of the armed forces.

297. As previously mentioned, the Group also received information from diplomatic sources that several military instructors from the Democratic People's Republic of Korea visited Kinshasa for approximately four to six weeks in May 2009.

298. The Group was informed on several occasions that foreign nationals from Ukraine and Belarus work as technicians and pilots for the FARDC Mi-24 combat helicopters based at Goma airport. The Group photographed six technicians who appeared to be foreign nationals at Goma airport on 13 April 2009 working on the FARDC Mi-24 attack helicopter 9T-TM11 (annex 121). Two technicians, presumably the pilot and flight engineer, were seated in the cockpit, while the other four technicians performed inspections during ground checks. The Group also obtained an invoice from the Nyiragongo Hotel in Goma to FARDC for 11 rooms occupied by a FARDC "equipage" (team) in April 2009. These crew members were foreigners and exclusively spoke a Slavic language according to information gathered directly by the Group. The Government of Belarus informed the Group that all Belarusian nationals participating in this type of work abroad must be licensed,

and that the authorized agency in Belarus had not issued licences for conducting work in the Democratic Republic of the Congo related to the flying or technical maintenance of Mi-24 helicopters. The Group also submitted a request to the Government of Ukraine concerning the presence of Ukrainian nationals working for FARDC, but has not received a reply. Two aviation interlocutors informed the Group that a Congolese middleman facilitating the rotation of the Mi-24 crews previously worked with foreign nationals operating an embargoed aviation company in eastern Democratic Republic of the Congo.

IX. Natural resources

299. According to official statistics from North Kivu and South Kivu for the period January to September 2009, cassiterite exports amounted to 3,643,572 kg and 7,592,479 kg for South Kivu and North Kivu respectively. Coltan exports amounted to 157,795 kg and 416,190 kg for South Kivu and North Kivu respectively. Wolfram exports for South Kivu and North Kivu during this period amounted to 64,900 kg and 449,555 kg respectively. The Group does not consider gold statistics are worth detailing, given the scale of the fraud. As already mentioned, the Democratic Republic of the Congo Senate has estimated that more than $1.2 billion worth of gold is exported fraudulently from the Democratic Republic of the Congo every year. All the above-mentioned statistics should be taken as purely indicative given the number of testimonies the Group obtained from industry and mining ministry sources in the Democratic Republic of the Congo during the course of the present mandate. As explained in prior sections, the Group established that the level of fraudulent mineral exports to neighbouring States has escalated significantly since 2008 and particularly since the rapprochement between Kinshasa and Kigali since January 2009. The Group has shown that factions of FARDC and other armed groups and associated cassiterite, coltan and wolframite traders have profited from this escalation in fraud, and these links have been explained during the course of the present report.

300. Regional initiatives to work on the issue of the initiative of illicit minerals transfers in the Great Lakes region started to be addressed during the International Conference on the Great Lakes Region's Constitutive Meeting of the Committee against the Illegal Exploitation of Natural Resources, which took place in Gisenyi from 30 September to 2 October 2009, attended by representatives from the Democratic Republic of the Congo, Uganda, Rwanda, Burundi, the United Republic of Tanzania, Zambia, Kenya and the Central African Republic. The Group reviewed many of the presentations made at that meeting and found none of the Democratic Republic of the Congo's neighbouring countries to be transparent on the issue of **who** their major operators and traders were in the minerals sector, but rather focused on domestic legislation and theoretical traceability schemes.

301. According to interviews with individuals from the mining industry, the Group understands that operators who export fraudulently have been offering above market prices to control the market, while making back their margins on the savings they incur through avoiding paying official export taxes. The Rwandan association related to exploration, production and trading of minerals did approach the Group through John Kanyoni, the chairman of the North Kivu association, at the end of the Group's mandate, but there was no time for a substantive set of meetings. The

Group obtained a copy of a list of exporting houses in Rwanda (annex 122), and will use this as a basis for further research in 2010.

302. The Group recognizes that most mineral-exporting houses in North Kivu and South Kivu have allowed the Group access to a certain amount of company information and archives, but does not conclude that this, by itself, should completely exonerate businesses from some of the poor purchasing and exporting practices they have been involved in.

303. The Group also exchanged information with the body representing the tin industry, ITRI, which has started promoting a Tin Supply Chain Initiative as part of efforts to boost due diligence in purchasing activity. The plan is supported by a core working group which includes MSC, Thaisarco and Traxys. A summary of the plan as described by ITRI is attached in annex 123, which indicates implementation of the first phase, which would standardize export procedures and the filing of documentation at the point of export. The document also indicates that a second phase would still need to be implemented to establish administrative traceability that would, in theory, document the flow of minerals from the mine to the mineral-exporting house and onwards. While the Group does recognize that the industry, through this Initiative, is making some efforts to develop tighter control over its chain of supply, the measures achieved so far by ITRI will not be sufficient to tackle some of the fundamental issues of control and due diligence particularly if "know your client" procedures are weakly enforced and the second phase remains incomplete.

304. The Group recognizes the cooperation extended to it by Thaisarco and Minerals Supply Africa towards the end of its mandate in terms of sharing relevant information. However the Group would like to point out that Minerals Supply Africa took several months before it agreed to discuss relevant issues with the Group, and RMMC, a main supplier to Thaisarco, provided accurate information only after specific and repeated requests by the Group. The Group wishes to note that the cooperation extended to the Group by companies involved in exporting and processing minerals originating in the Democratic Republic of the Congo has been forthcoming only once a possible reputational or public relations risk emerged as a result of the Group's investigations.

305. The Group also received numerous requests for assistance from the private sector, which it has not always been in a position to respond to, due to the specific focus of the Group's mandate to report on natural resources in connection with financial support of non-governmental armed groups.

306. The Group notes with concern the deterioration of transparency in some parts of the Kivus. The Group observed that administrative papers issued to government mining agents in South Kivu has largely diminished in 2009, making it far more difficult to obtain documentary evidence. Important papers, such as receipt books issued to mining officials to authorize the transport of minerals from mining sites and trading centres, stopped being issued in early 2009 just weeks after the Group's December 2008 report (S/2008/773) was published. Government officials in South Kivu have said they no longer have the necessary funds to print these books.

307. The Group also observed the sudden proliferation of gold exporting houses that are applying for licences with the Democratic Republic of the Congo Government even as control of gold resources continues to be used as a means of

financing for armed groups. The Group has already shown how a gold comptoir, Glory Minerals, which was cited in the present report and in document S/2008/773, has been receiving support from Democratic Republic of the Congo Government officials to trade. In this regard, the Group will need to also consult with gold exploration companies active in South Kivu and North Kivu respectively. The Group has also discussed the close relationship between FRF and TransAfrika in the present report.

X. Violations of subparagraphs 4 (d), (e) and (f) of Security Council resolution 1857 (2008)

308. In accordance with its mandate and the methodology used in previous mandates, the Group analysed verified reports collected from MONUC, the United Nations Joint Human Rights Office, the Office for the Coordination of Humanitarian Affairs, UNICEF and UNFPA. The Group also worked closely and collected information from representatives of the Democratic Republic of the Congo Government, Democratic Republic of the Congo military justice authorities, Congolese and international human rights NGOs, representatives of civil society, the civilian population and military personnel throughout North and South Kivu and, when possible, in Ituri. In-depth interviews were conducted with civilian victims and eyewitness testimonies were gathered during interviews. Interviews were also conducted with surrendered FDLR elements in Mutobo camp in Rwanda and former FARDC and Mai Mai combatants who had surrendered to MONUC in Goma.

309. With respect to child recruitment, the Group was able to examine demobilization data and, when possible, to identify command responsibility for recruitment or use of children. With respect to paragraph 12 of Security Council resolution 1857 (2008), the Group continues to note the need for strengthened information-sharing with the MONUC Child Protection Section, in accordance with the Group's mandate to identify political and military leaders recruiting and using children.

310. The Group focused its investigations in accordance with its mandate pursuant to paragraph 4, subparagraphs (d), (e) and (f) of resolution 1857 (2008). The Group interprets subparagraph 4 (e) as encompassing all violations of international human rights and international humanitarian law, not limited to the specific abuses listed in the subparagraph, and especially in consideration of the context of indiscriminate attacks on the civilian population perpetrated by armed groups and FARDC. A comprehensive and independent approach to monitoring and addressing human rights abuses, versus a selective focus on specific violations or on a particular category of victims, becomes all the more needed in the current security context in eastern Democratic Republic of the Congo, where ongoing military operations, incomplete security sector reforms and a dysfunctional disarmament and demobilization programme often make it difficult to disaggregate specific types of human rights abuses.

311. As most recently highlighted in a press statement on 15 October 2009 by the United Nations Special Rapporteur on extrajudicial executions, the causes of continued and widespread abuses are complex and intertwined with the lack of institutional judicial capacity, incomplete and dysfunctional security sector reform

and the lack of sustained socio-economic development opportunities for the population.

312. Additionally, the inability of MONUC to exercise significant leverage in promoting greater respect for the norms of international human rights and humanitarian law while providing logistical support to FARDC during operation Kimia II, had a negative impact on the civilian population, which has continued to suffer attacks from both the national army and non-governmental armed groups throughout 2009.

313. The Group however notes efforts being made by MONUC to better monitor violations committed by FARDC elements belonging to those battalions supported by the mission, through the establishment and deployment by MONUC of multidisciplinary joint protection teams, the creation of a Rapid Response and Early Warning Cell in Kinshasa to advise the senior management team on issues of protection of civilians and the creation of joint MONUC-FARDC commissions in October 2009 (which at the time of writing were not yet operational). The Group also notes MONUC's decision on 2 November 2009 to suspend support to the FARDC units involved in the killings of civilians in Lukweti (see para. 367 below). The fluid chain of command and frequent redeployment of troops seem to suggest the need to rethink MONUC's operational support to FARDC.

314. The Group also welcomes the adoption of the zero tolerance policy on human rights violations announced to FARDC soldiers by a message of the Spokesperson of the General Chief of Staff of FARDC on 5 July 2009. The Group also notes that several FARDC Commanders, currently operating in the context of Kimia II operations in South Kivu, have supported efforts to remove children from FARDC. The Group also notes, however, that more tangible actions should be taken, with the support of the international community, at both the level of training and the accountability of FARDC troops.

Recruitment and use of children by non-governmental armed groups and by the Forces armées de la République démocratique du Congo

Trends

315. The recruitment and use of children by all armed forces active in North and South Kivu continued in 2009, although it has decreased since the beginning of the integration process. According to MONUC, a total of 2,134 children were released from the armed groups between January and September 2009.

316. Separately, the Group directly verified a total of 2,020 demobilization files of children separated from the armed groups since November 2008 (see table below) in North and South Kivu. Almost half of these cases were of children who had been affiliated with Mai Mai groups and PARECO, while significant numbers were recruited by CNDP.

New cases of recruitment

317. The Group has also documented 285 cases of new recruitment of children between January and October 2009, compared with 770 cases recorded in the same period in 2008. Of the 285 cases in 2009, 127 were attributed to PARECO, 107 to FARDC and 29 to FDLR. The Group was unable to verify the chain of command in the remaining cases. In the territories of Masisi, North Kivu, and Kalehe, South

Kivu, the Group has been able to directly verify a significant presence of children within the FARDC ranks, while in key strategic zones such as Ngungu, cases of re-recruitment of children already reunified with their families have been reported. As Kimia II operations moved into South Kivu, larger numbers of children began to be separated from FARDC: at the time of writing 118 children had been separated since July 2009. As also noted in its interim report (para. 78 of S/2009/253), the Group confirms that a significant proportion of these children had been integrated into FARDC during the accelerated integration process and had been engaged in active combat against FDLR. At the same time, FDLR continues to maintain children in its ranks and has been practising wide-scale abductions.

Table
Breakdown of recruitment cases documented by the Group of Experts of children demobilized since November 2008

Armed group	*Recruitment cases*
FARDC	623[a]
PARECO/Mai Mai	958
FDLR	192
ADF-NALU	1
Unknown	246
Total	**2 020**

Note: ADF-NALU, Allied Democratic Forces/National Army for the Liberation of Uganda.

[a] Recruitment cases reported for FARDC include the figures of recruitment by former CNDP elements prior to the 2009 integration process.

Recruitment and command responsibility in the Forces démocratiques de libération du Rwanda

318. Between November 2008 and October 2009, the Group directly documented a total of 192 recruitment cases by FDLR. The FDLR has historically run schools for young Rwandan refugees living in its camps, which included military training and political indoctrination. Since Umoja Wetu, the FOCA high command has issued new orders that all units are to recruit all children above 15 years of age ("*recruter sans exception chaque enfant de plus de 15 ans*"). The Group received testimony that young FDLR elements have been enlisted to support military operations, while children younger than 15 were reportedly used to carry materiel and ammunition to the front lines.

319. Of the 192 cases recorded by the Group it was only possible to accurately establish a command responsibility in 30 per cent of the cases, the most recurrent recruitment cases were attributed to the following FDLR battalions:

1st batallion "Someka" (North Kivu Division) under command of Lieutenant Colonel Eli Mutarambirwa, alias "Martin Safari"

2nd batallion "Montana" (North Kivu Division) under command of Lieutenant Colonel Evariste Kanzeguhera, alias "Saidiki Soleil"

3rd batallion "Sabena" (North Kivu Division) under command of Lieutenant Colonel Marc Habimana, alias "Ndinzimihigo"

4th batallion "Bahamas" (North Kivu Division) under command of Lieutenant Colonel Bernard Rishirabake, alias "Serge"

1st batallion "Zodiac" (reserve brigade) under command of Lieutenant Colonel Nsengiyumva, alias "Cyrus Bapfiki"

2nd batallion "Concorde" (reserve brigade) under command of Lieutenant Colonel Jules Nsengimana, alias "Blaise Cadense"

320. Additionally, the Group has also identified 14 cases of recruitment by the splinter faction RUD-Urunana, under the command of General Jean-Damascene Ndibabaje, alias "Musare".

Presence of children within ranks and command responsibility of the Forces armées de la République démocratique du Congo

321. During the period of November 2008 and October 2009 the Group documented 623 cases of child recruitment attributable to FARDC or to former CNDP elements.

322. As mentioned in the interim report, efforts by the United Nations to separate children from FARDC have been blocked by certain FARDC commanders (see S/2009/253, para. 81). The Group received information of additional cases of similar obstructions by FARDC: in June 2009, at Kilolirwe, Masisi territory, Major Munyakazi (former CNDP) attempted to prevent the separation of a 17-year-old Rwandan boy formerly associated with CNDP. In July 2009, Lieutenant Colonel Felix Njella in Walikale also attempted to forcibly remove children from MONUC's custody. On 5 August 2009, Colonel Salumu Mulenda and Lieutenant Colonel Hebietti, formerly a CNDP officer and currently integrated in the 33rd FARDC brigade[3] based in Kamanyola, impeded the separation of five minors, and claimed that specific instructions from the FARDC hierarchy were needed in order to allow separation of children. On 29 August 2009, the Group witnessed Lieutenant Colonel Zimurinda's refusal to allow three verified children to be released from under his command in Kalehe territory. More recently, however, certain FARDC commanders have facilitated the identification and separation of a total of 75 children between the period of September to October 2009, in North and South Kivu, supported by the European Union advisory and assistance mission for security reform during the exercise on biometric identification.

323. The Group also received reports of children arrested by FARDC and Congolese National Police elements since the beginning of 2009, at the Nyongera detention cell in Rutshuru territory, in Nyamilima, in Kirumbu, and at the T2 (Intelligence) cell in Goma. One child formerly associated with FDLR Soki (a sub-group of FDLR) declared to the Group that he was arrested by FARDC in March 2009 and then used as a tracker and combatant.

[3] It is the 33rd FARDC brigade deployed in the context of Kimia II operations, i.e., the 3rd brigade in sector 3 in South Kivu.

Recruitment by the Coalition des patriotes résistants congolais, Mai Mai and other armed groups and command responsibility

324. Of the total 2,020 cases of recruitment documented by the Group, 958 cases (or 47 per cent of the total) are attributed to Mai Mai and PARECO forces. Of these recruitment cases, 127 occurred in 2009. In North Kivu, recruitment among the Mai Mai and PARECO forces remains active, particularly in areas where integrated FARDC brigades have been deployed against FDLR. General Lafontaine's withdrawal from the FARDC integration process and the establishment of the Front Patriotique du Congo, has led to an escalation in his recruitment activities.

325. In North and South Kivu, Mai Mai groups are largely local and identity-based movements which usually claim as their objective the protection of land and community. Of the 958 recruitment cases directly recorded by the Group as PARECO and Mai Mai since November 2008, 63 cases are attributable specifically to PARECO units since the beginning of 2009.

326. The rapid integration of Mai Mai and PARECO forces into FARDC and the subsequent desertions by certain commanders have presented difficulties in establishing clear affiliation and chains of command regarding the use and recruitment of children by these forces. Sources have confirmed that General Lafontaine uses Colonel "Sapperite", Colonel Mandela and Colonel Safari to recruit children. This information is corroborated by documented statistics on dozens of recruitments carried out by these individuals.

327. A total of 53 cases of recruitment by APCLS were recorded by the Group from November 2008 to October 2009, of which 22 were recruitment cases that took place in 2009. Active recruitment by Colonel Janvier Buingo Karairi of APCLS has been reported in Masisi territory, in the area north of Masisi centre, Nyabiondo and Pinga in 2009. Seven children had reportedly been recruited by Colonel Kifarhu, an APCLS commander, in February 2009, while in March and April 2009 four boys were reportedly recruited by Colonel Felix. In April 2009, schools in the northern Masisi-Walikale border zone were temporarily closed in response to threats of recruitment by APCLS forces.

328. Although only active locally in a limited area north of Rutshuru, Colonel Complet reportedly resumed recruitment of children in 2009. The Group recorded nine cases of recruitment, of which four occurred since the beginning of 2009.

329. On the basis of a reliable estimate by child protection actors and the Group's own testimonies, there are an estimated 80 children who remain in the ranks of Kifuafua, which continues to recruit children in parts of Kalehe territory according to numerous sources.

330. A total of 25 recruitment cases in the database are attributed to Mongol forces, with only one case of recruitment in 2009. According to the cases documented by the Group, Lieutenant Colonel Hategeka (who has also reportedly been affiliated with PARECO) recruited nine children between 2007 and 2009.

331. Mai Mai PRM reportedly resumed activities in the Kiwanja area in 2009. Reports were received that Colonel Machozi of PRM recruited at least nine children between April and June 2009 and continues to maintain significant numbers of children in PRM ranks. The Group has documented that since July 2009 Colonel Shetani has resumed recruitment of children north of Rutshuru.

332. Yakutumba joined the integration process in October 2009. Despite identification of more than 100 children by child protection actors, at the time of writing no children have been released or separated. Earlier reports indicated a significant presence of children serving in Yakutumba's ranks in Fizi. When a forward group of Yakutumba elements reported to the Baraka *brassage* centre in June 2009, only four children were separated. The Yakutumba break-away faction led by Colonel Assani released a total of seven children from its ranks at the end of August 2009.

333. The Group documented 19 cases of child recruitment attributed to the Mai Mai Shikito, 13 of these children were recruited in 2009. In 10 cases, Major Noir was recorded as the recruiter. Child protection actors in Uvira report that a total of 54 children were separated from Shikito elements between April and July 2009.

334. Out of a total of 73 recruitment records for Mai Mai Zabuloni, the vast majority was released to the disarmament, demobilization and reintegration programme in December 2008 and January 2009. However, testimony from a 16-year-old boy in Uvira reveals that he had been re-recruited to Mai Mai Zabuloni as late as February 2009.

335. The Group also collected several reports citing the presence of children within the ranks of FRF. Although the elements obtained by the Group are insufficient to determine the exact number of the recruitment cases, they nevertheless indicate that as at June 2009, approximately twenty children were serving in the armed group. According to one Burundian child the Group interviewed after his surrender, minors recruited by FRF are given military training in the Bijombo camp immediately after their enrolment.

Serious violations of international law targeting women and children

336. As documented by the United Nations Joint Human Rights Office, during the period of February to October 2009 the trend in human rights abuses committed by military personnel has not decreased, and continues. Since February 2009 the Group has recorded 2,956 cases of violations of human rights against the civilian population throughout eastern Democratic Republic of the Congo. Analysis of these cases shows that FDLR and FARDC continue to perpetrate killings, abductions and sexual violence. Torture, forced labour, pillage, looting and burning of villages are also prevalent. Fewer, though still significant, abuses by FRF, LRA, Mai Mai groups, Allied Democratic Forces/National Army for the Liberation of Uganda (ADF-NALU) and the FPJC/FRPI militia were also documented by the Group during the reporting period. These figures are not exhaustive.

Sexual violence

337. In connection with its mandate to report on abuses targeting women, the Group continues to note, as it did in previous reports (S/2008/773 and S/2009/253), that despite the prevalence of sexual violence in the Democratic Republic of the Congo, obtaining accurate and reliable information regarding the number of victims and the identity of perpetrators remains a severe challenge. This is in part due to the historical nature of the violence and sociocultural customs that affect the victim's willingness to report and an institutionally and operationally weak justice system. UNFPA maintains that 90 per cent of cases of sexual violence in eastern Democratic Republic of the Congo are perpetrated by men with arms. However, further

identification is almost always impossible in a context where soldiers often are not subject to a clear chain of command. The effective collection of accurate data on sexual violence is further exacerbated by weak coordination and information-sharing among international and national actors.

338. The Group also notes as a worrying trend that victims of attacks who are discovered to have reported the abuses have been often attacked again in retaliation. Given these challenges, the Group's mandate to report on individuals committing sexual violence against women and children has been constrained and limited. The information documented by the Group is far from exhaustive, but nonetheless confirms the trends of sexual violence perpetrated by armed actors in North and South Kivu.

339. The Group however underlines a general alarming trend of human rights abuses and related lack of accountability, and reiterates the need for strengthening independent human rights monitoring, as well as for a comprehensive approach in addressing human rights violations, as opposed to the selective focus that has been developing on sexual violence. In North Kivu, one provider of assistance to the victims recorded a total of 3,106 cases of sexual violence between January and July 2009 perpetrated by armed men. According to such reports, exactly half of these cases were perpetrated by FARDC elements. UNFPA has reported 2,075 cases of sexual violence in North Kivu, 834 cases in South Kivu and 885 cases in Orientale between January and June 2009.

340. Separate to this data, during the course of its investigations, the Group logged a total of 241 sexual violence reports, between February and October 2009.

341. The Group met with military justice prosecutors in North and South Kivu, who reiterated the limitations, highlighted above, in effectively prosecuting sexual violence, and underlined the lack of willingness at the highest levels of the FARDC military command to ensure that perpetrators are held accountable. As just one example, Colonel Alphonse Mpanzu of the 8th Integrated Brigade deployed in Uvira in the context of Kimia II operations has been notified of at least two cases of rape committed by elements identified as under his command in July and August 2009. In one case, six soldiers reportedly sequestered then repeatedly raped seven women displaced in the town of Mulenge over a period of four hours. In neither case has Colonel Mpanzu made an attempt to transfer those accused to justice authorities.

342. Between August and October 2009, 13 cases of rape perpetrated by elements of the 33rd Brigade deployed in Uvira and Walungu territories were reported. In at least one of these cases, the perpetrator has been identified, but not yet transferred to military justice authorities, despite repeated and direct advocacy efforts addressed to the Brigade commander Lieutenant Colonel Salumu Mulenda. To complement these figures, more than 50 cases of abuses by the 33rd FARDC Brigade (lootings, arbitrary detention and burning of civilian properties) were reported since the beginning of Kimia II operations.

343. According to the Military Prosecutor's Offices in North and South Kivu, military justice prosecuted less than 100 cases between February and August 2009.

344. Most of the prosecutions are of lower ranking officers or soldiers; rarely are mid-level or senior level officers investigated for having committed acts of sexual violence. When they are, sentences are rarely carried out; according to sources interviewed by the Group, Kimia II commander Lieutenant Colonel Ndayambaje

Kipanga was arrested for rape in Rutshuru in May 2009 but within a few days he managed to escape detention. He was later tried "in absentia" and sentenced to life imprisonment in July 2009. He is still at large. His co-accused, who remained in detention, was sentenced to 10 years. Major Pichen Lungu, whose human rights record has already been brought to the attention of the Democratic Republic of the Congo authorities on several occasions, was until September 2009 serving among the Kimia II command; he should have been arrested in October 2009, but at the time of writing remains at large.

Violations of international human rights law and international humanitarian law perpetrated by the Forces démocratiques de libération du Rwanda and command responsibility

345. The Group documented a total of 1,199 human rights violations committed by elements of FDLR between February and October 2009. The beginning of Umoja Wetu operations in January 2009 led to an upsurge in reprisals against the civilian population in North Kivu. Many of these reprisals were targeted at those villages perceived to have supported RDF or FARDC in their attacks on FDLR bases. Reprisal attacks have increasingly been perpetrated against civilians during Kimia II military operations targeting FDLR strongholds, where the militia was deeply integrated into the local community life with civilians. This has caused further friction between local communities and FDLR, who have targeted civilians unable to pay off debts before FDLR retreated from advancing FARDC troops.

346. The Group notes that, in addition to the specific FDLR commanders identified in the following sections, the political and military leadership of FDLR should be held responsible for having ordered attacks on civilians. This conclusion has been drawn from direct testimonies, including testimonies of demobilized FDLR elements, who have consistently reported that Ignace Murwanashyaka was in direct contact with the FDLR military leadership on the ground. This conclusion has been corroborated from telephone log analysis, testimony from an active FDLR radio operator and from the FDLR legal statute mentioned elsewhere in the present report (see paras. 91-94).

Trend of reprisal attacks during Umoja Wetu and Kimia II operations

347. According to documentation and testimonies collected by the Group, attacks on civilians, including reprisals, between February and October 2009 resulted in a total of 384 deaths, 135 cases of sexual violence, 521 abductions, 38 cases of torture and 5 cases of mutilation. The attacks also led to massive population displacement and extensive destruction of homes and property.

348. During an on-site visit in early July 2009, the Group documented a wave of attacks perpetrated by FDLR troops between April and June 2009 on several villages in the Bunyakiri area (Kalehe Territory, South Kivu). All the information gathered by the Group clearly indicates that such attacks have been deliberately planned and executed under instructions given by Major Willy Guillaume Simba. The Group understands that Major Guillaume was, at the time of the events, the FDLR commanding officer of the Batalion Roméo posted in the rural area near Bunyakiri. From the end of March 2009, Major Guillaume addressed several signed tracts (seen by the Group) to the local civilian and military authorities in Bunyakiri and surrounding villages informing them that FDLR would not clear the area and

threatening retaliations if Kimia II was launched. A few weeks after these messages were delivered, FDLR launched a wave of attacks against villages, which continued regularly until mid-June 2009, targeting more than a dozen *groupements*. Sources interviewed by the Group referred to dozens of killings and injured civilians, more than 20 cases of sexual violence, more than 70 cases of abductions and forced labour and nearly 1,000 houses burned.

349. All the testimonies collected by the Group consistently identify Major Guillaume as the military commander of these attacks. Analysing the call details, the Group could also determine that Major Guillaume has been in communication with General Mudacumura's staff on a very regular basis (107 communications overall), between January and April 2009.

Massacre at Busurungi on 10 May 2009

350. The most significant retaliatory attack recorded by the Group occurred at Busurungi on 10 May 2009. Consistent statements collected by the Group from FDLR elements who participated in this attack confirmed that it was conducted in retaliation against FARDC for the killings in late April 2009 at Shalio (see below).

351. The deployment in January 2009 of the 25th FARDC Brigade in the area of the Waloa Luanda Groupment, where FDLR had settled since 1996, prompted FDLR to withdraw to the slopes of Mount Shalio, situated 20 km south-west of Busurungi. Since its deployment in January, the 25th FARDC Brigade (with reinforcements from the 232nd Brigade based in Remeka) carried out military operations around the FDLR base at Shalio, which resulted in several FDLR reprisal attacks against civilians in the Waloa Luanda Groupment, between March and May 2009.

352. In March 2009, FARDC repelled an FDLR attack in Busurungi and on 12 April 2009 FDLR attacked and defeated the FARDC position at Mianga, burned down the village and killed at least six civilians, causing displacement of the population towards Walikale, Hombo and Busurungi. It should be noted that between March and May 2009 the FDLR sent five letters warning of an imminent attack on the FARDC base, but FARDC encouraged the population to stay. At the same time FARDC proved unable to protect civilians and to prevent military retaliation by FDLR, and the establishment of FARDC in the near proximity of civilian villages inevitably resulted in the population becoming an easy target for FDLR reprisals. Such conduct by the FARDC is in violation of international humanitarian law.

353. On 10 May 2009, FDLR attacked Busurungi and Moka in a killing spree that resulted in at least 60 civilian deaths, mostly women and children, with credible estimates citing up to 96 civilian deaths, not including those victims that were burned alive in their houses and whose bodies were not recovered. The surviving population of the locality of Busurungi[4] fled from the area in the aftermath of the FDLR attack, and FDLR reportedly abducted and killed significant numbers of women and children during the flight. According to the statements of the survivors, FDLR cadres carried out targeted killings and systematically burned houses to the ground.

[4] Busurungi locality counts a population of about 7,000 people across the villages of Busurungi, Moka, Nyamimba, Kichana, Katokoro Kifurka, Bunyamisimbwa, Kilambo, Ndaboye, Kahunju, Tuonane, Kamanyola, Kamaito, Kasebunga and Kiterema.

354. The attack at Busurungi on 10 May 2009 was conducted in clear violation of international human rights law and international humanitarian law. The systematic nature of attacks by FDLR against the civilian population at Busurungi suggests that they could qualify as crimes against humanity. The attack on Busurungi was perpetrated by the elements of FDLR battalion "Zodiac" under the command of Lieutenant Colonel Nzegiyumva of the FDLR Reserve Brigade, in turn under the command of Colonel Kalume. Reportedly, the attacks were also perpetrated by the Special Company under the command of Captain Mugisha Vainquer. Some information received by the Group indicated that the operation was supported by an FDLR commando unit. This could be the Commando de recherche et action en profondeur, which the Group understands operates under the division commander; however the Group was not able to further verify this information.

355. During the course of an interview with a senior political adviser of the FOCA executive committee, held at the end of October 2009, the Group was informed that the 3rd Company of the Military Police Battalion of the FOCA headquarters also took part in perpetrating the attack. According to the same interview, the head of the second regional committee of the FDLR political branch recruited approximately 200 civilians to complete the ranks. At the time of writing the present report the Group had not been able to verify this information.

356. Analysis of call details of satellite telephones shows that FDLR top military commanders were in regular communication with each other in the period preceding and immediately following the Busurungi massacre. Between 5 and 16 May 2009, the Group identified up to 162 intra-FDLR communications, 17 of which were recorded on the day the massacre was perpetrated. In the same time frame, Ignace Murwanashyaka was in direct communication with commanders in the field 14 times. Call details enable the Group to determine that Mr. Murwanashyaka received four text messages on 9 May 2009 from two satellite telephones used by General Mudacumura's staff, and replied to the last one a few seconds after its reception. The next direct communication between him and General Mudacumura's staff is recorded on 11 May 2009, when Mr. Murwanashyaka received another text message, coinciding with the end of the operations in Busurungi. Although the Group is not aware of the content of such communications, it considers that this communication pattern, corroborated by the FDLR testimonies gathered on the distribution of orders by the FDLR leadership to field commanders, suggests that Mr. Murwanashyaka must have been at least informed of the preparation of the attack on Busurungi and could have been directly involved in issuing the order of launching the reprisal attack.

Violations of international human rights law and international humanitarian law perpetrated by the Forces armées de la République démocratique du Congo and command responsibility

357. The present section of the report includes an overview of violations attributed to FARDC, as well as two case studies of violations carried out under the responsibility of FARDC commanders. Additionally, a list of FARDC commanders with established records of grave violations of human rights and international humanitarian law, including those currently serving in command positions in operation Kimia II, is provided in annex 124 to the present report.

358. In the period between February and October 2009 the Group documented 530 cases of abuses perpetrated by FARDC, which include killings; sexual violence; arbitrary arrests; torture; forced labour; pillage, looting and extortion; and arson of houses and villages.

Attacks on Rwandan refugees during Kimia II and the Shalio massacre of 27 to 30 April 2009

359. The Group received several reports of attacks against Rwandan civilians — either refugees or FDLR dependants — since March 2009.

360. The Group received credible reports from MONUC and independent human rights workers and collected more than 10 testimonies of a massacre of FDLR dependants reportedly perpetrated by FARDC in Shalio, Masisi territory, in April 2009. One independent human rights organization documented the slaughter of at least 143 Rwandan refugees, mostly women and children, executed by FARDC during the Kimia II operations.

361. As mentioned above, FDLR retreated to Shalio following FARDC deployment in late January 2009 in the Waloa Luanda *Groupement*. Several groups of Rwandan refugees had also settled on the hills of Shalio, Marok and Bunyarwanda following the destruction in late January 2009 of the refugee camp at Kibua. Between 27 and 30 April 2009, Congolese army soldiers (many of them former CNDP fighters) reportedly attacked the refugees, without warning, and killed an estimated 129 refugees, mostly women and children. Separately, the Group verified 60 civilian deaths and a significant number of FDLR dependants and Rwandan refugees captured by FARDC.

362. The Group collected eyewitness testimonies from one FARDC officer who took part in commanding the operation, four FARDC soldiers who participated in the attack and subsequently deserted, one FDLR Captain and one FDLR soldier, as well as one displaced civilian who carried ammunition for FARDC to the front line of the attack. FARDC contends that the attack on Shalio aimed at targeting FDLR military positions, and that the attack represented an important success against FDLR. In the course of interviews, FARDC orders issued by Colonel Ngaruye were relayed to the Group as: "Any young men found should be killed, while all children, women and elders should be captured and sent back to Rwanda."

363. Additional eyewitness testimony confirmed that a large number of these civilians were killed en route, with dead bodies allegedly left in the forest of Gatete or dumped in the Nyabarongo River. On the way to Ngungu, other captives were reportedly killed, with their bodies left behind in the area of Miranda. Because of logistical limitations, the Group was unable to travel to Shalio or to the other burial sites mentioned by witnesses to verify the testimonies it collected.

364. The FDLR military presence in the area around Shalio consisted of the Zodiac Battalion of the Reserve Brigade and a commando unit. FARDC attacked Shalio from Busurungi. The attack reportedly lasted three days, from 27 to 30 April 2009. The Group established that the Shalio operation was conducted under the overall command of Colonel Baudouin Ngaruye, commander of the FARDC 5th Sector, at that time based at Kasake. The operation was reportedly executed by Major Badege, battalion commander of the 231st Brigade under the command of Lieutenant Colonel Innocent Zimurinda, Lieutenant Colonel Justin Buhire, 232nd Brigade

commander (based in Remeka and composed mostly of former CNDP elements of the 103rd Brigade). According to several testimonies collected by the Group and confirmed by the research of human rights workers, the orders were given by Lieutenant Colonel Zimurinda. On the basis of the analysis of the information gathered, the Group concluded that a battalion under the command of Major Zitongo Kwasi of the 25th Brigade based in Busurungi would have also participated in the operation. The 25th FARDC Brigade was under the command of Zone Commander General Bernard Biamungu.

365. The Group was unable to verify whether FDLR military positions were located too close to the refugee camps so as to make it impossible for FARDC to distinguish the camp from FDLR military targets. On the basis of information gathered by independent human rights workers, the FARDC attacks on civilians were deliberate. However, if FDLR positions were closely intertwined with civilians this would also represent a violation of international humanitarian law by FDLR.

Other violations of international human rights law

366. Separately, the Group collected testimonies of two Rwandan refugees in Kalehe, South Kivu, who were prevented from returning to Rwanda in early March 2009 by FARDC elements under the command of Colonel Baudouin Ngaruye. The refugees were accused of being associated with FDLR, arrested, tortured and detained for approximately three weeks. At the end of July 2009, FARDC obstructed the repatriation of 23 dependants in Luvungi (63 km north of Uvira). All the captives were transferred to the Kimia II Command Centre in Bukavu for questioning and were held in detention, despite attempts from MONUC to negotiate their release with Colonel Makenga and Colonel Delphin Kahimbi.

367. The Group also received credible reports of systematic killing of civilians by FARDC forces deployed in the area of Nyabiondo, North Kivu (in the villages of Lukweti, Ndorumo, Buboa, Butsindo, Mashango, Kinyumba and Lwibo) during the period of March to September 2009. According to two independent human rights workers, 270 civilian deaths have been verified on the axis of Pinga-Nyabiondo during this period. These killings reportedly to some extent targeted Hunde civilians, and took place in the context of FARDC operations against the FDLR-APCLS front. The Group directly verified 60 executions of civilians between May and September 2009 in this area. However, credible estimates verified by the Group and based on lists of victims collected locally, indicate several hundreds of civilian deaths in this area since the beginning of Umoja Wetu and throughout Kimia II.

368. Again this trend seems to indicate the inability of FARDC to discriminate between civilian and military targets, contrary to international humanitarian law.

369. Among the FARDC commanders reportedly responsible for zones in which the killings have occurred are: Lieutenant Colonel Alphonse Ngabo of the 213rd Brigade, Lieutenant Colonel Salongo Ndekezi of Sector 21, and Colonel Innocent Kayina of Sector 22, whose troops were reportedly sent to reinforce Sector 21. As mentioned in paragraph 187 above, Innocent Kayina, otherwise known as "India Queen", was released from prison (supposedly on health grounds) in early 2009, where he had been awaiting trial since 2006 for alleged crimes against humanity in Ituri. The conditions of his bail included weekly reporting to the military justice office in Kinshasa, something that obviously has not been done since his irregular deployment in Kimia II (as he was not a member of FARDC at the time of his arrest

and he did not belong to any of the groups integrated in 2009, it is unclear when and how he became a member of the armed forces).

370. As already mentioned in its interim report (S/2009/253), the Group urges the Democratic Republic of the Congo authorities to undertake the implementation of a rigorous vetting mechanism and to hold accountable at the judicial and disciplinary level FARDC officers with a record of human rights abuses. The Group also underlines the possible contradiction within MONUC's mandate to protect civilians on a priority basis, and that of providing logistic support to FARDC, while the latter continues to commit abuses against the civilian population and conducts military operations in disregard of protection of civilians and international humanitarian law.

Mai Mai groups

371. The integration process that began in January 2009 led to several Mai Mai groups integrating into FARDC; however frustrations related to assignment of ranks and lack of payment to soldiers led to the desertion of many Mai Mai elements. The Group was able to document 178 verified cases of abuses which show that the various Mai Mai groups are also responsible for grave human rights violations in their areas of operations.

Lord's Resistance Army

372. As mentioned above, the Group has not been able to conduct on-site investigations in Province Orientale. However, grave violations committed by LRA in north-eastern Democratic Republic of the Congo between March and September 2009 continued to be perpetrated by the armed group, with the vast majority of abuses being abductions and killings. The Group recorded a total of 144 killings and 819 cases of abduction between March and September 2009. The Group recalls that on the basis of currently available figures, approximately 1,200 civilians have been killed by LRA in 2009, with more than 100 attacks reported between July and September 2009, resulting in at least 77 deaths and 229 reported cases of abduction.

Other armed groups

373. Between May and August 2009, the Group documented eight reports of grave human rights violations by ADF-NALU, the majority of which were abductions of civilians in Beni territory. The Group also documented five grave violations committed by FPJC or FRPI militia elements in the Ituri district. The Group was constrained by its limited resources to conduct more comprehensive research in spite of frequent reports of numerous cases of abuses.

374. Reportedly, FRF military commanders ordered several executions in 2009, of which at least nine cases were corroborated by testimonies received by the Group from FRF combatants who had surrendered. Eight victims were FRF military elements executed after unsuccessful desertion attempts or in the aftermath of the hostage-taking of two Congolese officials in January and February 2009. Relevant testimonies identify Colonel Makanika as the commander who ordered these executions and Major Mitabo as the officer who executed the killings.

375. Information collected in Minembwe and Uvira, including from FRF former combatants, confirmed that FRF executed 14 elements of the 122nd FARDC Integrated Battalion soon after having taken them as prisoners in 2007. According to

a former combatant FRF officer, such executions were ordered by Colonel Bisogo and carried out by units under the direct command of Major Mitabo in a locality between Rubumba and Rubuga villages.

376. Testimonies collected by the Group consistently mention Colonel Venant Bisogo, President of FRF, and Colonel Michel Rakunda (aka Makanika), Chief of Staff, as the masterminds and Major Joseph Mitabo as the officer in charge of conducting these violations. The Group notes that Major Mitabo is currently Second in Command of the 42nd Sector (former Sector 9) in operation Kimia II.

Obstruction to humanitarian assistance

377. Between April and September 2009, the Group documented a total of 41 reports of attacks on humanitarian workers and aid delivery in North and South Kivu by elements belonging to non-State armed groups, FARDC and civilian mobs. The nature of attacks ranged from physical assaults on humanitarian agency staff members, to the killing of local staff of humanitarian agencies, and to humanitarian agency or NGO vehicles being blocked and either requisitioned or looted; 18 of the reports of attacks on humanitarian actors were perpetrated by unidentified armed men. FARDC were allegedly involved in 10 of the 40 attacks, which mostly concerned the requisitioning and looting of vehicles or assaults on NGO staff, but also included the killing of a local staff member working for a European NGO. The Group has not been able to build command responsibility cases on these attacks owing to the lack of available information on the individuals involved in these attacks, but considers the frequency of FARDC attacks among the sample size as indicative of the state of internal discipline within FARDC.

XI. Observations and recommendations

378. The Group makes the following observations and recommendations.

Forces démocratiques de libération du Rwanda and support from diaspora networks

1. In the light of the international ramifications of the FDLR diaspora support network, the Group considers that efforts to dismantle the FDLR diaspora network can only be effective if a common and coherent approach is adopted by all Member States whose territories are used by the FDLR diaspora as a rear base. The Group recommends that the Security Council adopt a coordinated strategy for the full implementation of resolution 1804 (2008) in combination with resolutions 1856 (2008), 1857 (2008), 1882 (2009) and 1888 (2009), as mutually reinforcing systems for targeting the FDLR leadership and principal supporters.

2. The Group recommends that the Security Council request Member States to direct their respective national law enforcement and security agencies to share relevant information on FDLR diaspora members identified as active in their support for the movement, as well as to conduct, including at the request of or in collaboration with the Group of Experts, investigations on their territories on the basis of suspected violations of the relevant provisions of Security Council

resolution 1857 (2008) and share the findings of such investigations with the Group of Experts.

3. The Group recommends that the Security Council reiterate its request to Member States to prosecute violations of the sanctions regime by their nationals or those leaders of armed groups residing in their territories. The Group also recommends that the Council request Member States to review existing national legislation and to provide adequate facilities to national prosecuting authorities to investigate and prosecute support to non-governmental armed groups operating in eastern Democratic Republic of the Congo. The Group recommends that the Security Council and the Sanctions Committee call on the Democratic Republic of the Congo authorities to issue arrest warrants against FDLR leaders such as Ignace Murwanashyaka, Straton Musoni and Callixte Mbarushimana, and encourage Member States where these individuals are resident to cooperate with the Democratic Republic of the Congo authorities in this regard.

4. The Group recommends that the Security Council request Member States to identify a focal point, at the level of their national prosecuting authorities, to enhance cooperation and information-sharing with the Group of Experts, in particular in connection with FDLR diaspora support networks. In this regard, the Group also recommends that appropriate information-sharing agreements should be established with the Group in order to facilitate the implementation of the Group's mandate.

Regional networks and border control

5. The Group acknowledges the improved dialogue and cooperation between the Democratic Republic of the Congo and some of the neighbouring countries such as Burundi, Uganda and Rwanda. It notes, however, the regional and cross-border dimension of several of the networks providing support to the non-governmental armed groups operating in eastern Democratic Republic of the Congo, and considers that in order to address them more efficiently, regional and bilateral cooperation among security and border control agencies of the countries in the region should be strengthened with the assistance of the international community, in particular through training activities of border control agencies officials.

Illegal exploitation of natural resources and financial support to non-governmental armed groups

6. The Group recommends that the Security Council request Member States to take necessary measures to clarify the due diligence obligations of companies under their respective jurisdictions which operate in the Democratic Republic of the Congo mineral trading sector. The Group further recommends that Member States request companies to adopt codes of conduct detailing the procedures adopted to prevent indirect support to non-governmental armed groups through the exploitation of natural resources.

7. The Group recommends that the Sanctions Committee request the Democratic Republic of the Congo authorities to issue or reinstate paperwork produced by the Division des Mines which detail the exact origin of the minerals at the time of

purchase and ensure that Congolese exporting companies maintain written and documented evidence of every delivery of minerals to their warehouses. The Group further recommends that exporting and buying companies should never accept verbal assurances from their suppliers regarding the origin of minerals without credible, supporting documentation.

8. With respect to transparency and traceability initiatives at the level of regional Governments and the industry, the Group observes that while both serve as a good basis for improved governance and transparency of the natural resources sector in the long term, the current security situation in the mining areas of eastern Democratic Republic of the Congo requires a prior effort to ensure demilitarization of mining sites and reduction of customs fraud and illicit mining activities under Democratic Republic of the Congo law. With respect to the ITRI initiative, the Group notes that it does not provide an independent mechanism to ascertain the origin of minerals in its current state. Strengthening the institutional capacity of Democratic Republic of the Congo mining authorities as well as law enforcement agencies are essential preconditions to create a suitable environment in which to create regional and international transparency mechanisms. In the short term, the Group recommends that the Security Council endorse the establishment of an independent monitoring team by the Democratic Republic of the Congo authorities, with the support of the international community. Such a team would have a mandate to conduct spot checks of mineral shipments, in cooperation with MONUC and the Group of Experts, and would act on the basis of a clear definition of what constitutes an illegal trading activity. Specific sanctions for illegal mineral trading activity should also be identified.

9. The Group recommends that the Sanctions Committee request the Government of the Democratic Republic of the Congo to take all necessary measures to reduce and eventually remove the presence of military units at mining sites, i.e., by replacing FARDC with the relevant governmental authorities such as the already existing Police des mines et des hydrocarbures and relevant units of the Division des mines. The creation of a national tribunal to prosecute the abuse of military and police powers in connection with the illicit exploitation of natural resources is also recommended.

10. The Group recommends that the Security Council and Sanctions Committee request all States in the Great Lakes region to immediately publish their full import and export statistics for gold, cassiterite, coltan and wolframite and centralize them in a body chaired by an independent auditor mandated to verify any statistical anomalies.

11. The Group recommends a simplification of the current Democratic Republic of the Congo customs regime towards a single customs authority, or *guichet unique*, which should levy export taxes and publish them under one integrated system.

12. The Group recommends that the Sanctions Committee call on the Democratic Republic of the Congo authorities to suspend the trading licences of all non-compliant national companies and take legal action against the directors of those companies which violate the United Nations arms embargo by trading in minerals sourced from non-governmental armed groups.

Stockpile management (Forces armées de la République démocratique du Congo and the United Nations Organization Mission in the Democratic Republic of the Congo)

13. The Group confirms its findings and related recommendations contained in its December 2008 report (S/2008/773) that FARDC stockpile management lacks mechanisms for systematic marking of weapons and reliable records to monitor distribution of military equipment across the country. The Group recommends that the Security Council request the Government of the Democratic Republic of the Congo to promote stockpile security, accountability and management of arms and ammunition as an urgent priority. In addition, the Group considers that all donors supporting security sector reform in the Democratic Republic of the Congo should include stockpile management as a pre-condition for providing assistance to FARDC.

14. Furthermore, in this context, the Group recommends the following specific strategies:

- Rapid and effective implementation of a national weapons marking programme in line with the standards established by the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa and the Regional Centre on Small Arms and Light Weapons in the Great Lakes Region, the Horn of Africa and Bordering States
- Creation of national physical storage and stockpile management standards that are adapted to the Congolese context
- Expansion of MONUC's mandate to include, in cooperation with FARDC and the Congolese National Police, the maintenance by MONUC of a database of the serial numbers and locations of all State-owned small arms and light weapons in the Democratic Republic of the Congo.

15. Considering the role played by MONUC in support to FARDC military operations, the Group recommends that the Mission establish and fully implement a monitoring mechanism in order to keep accurate records on the equipment transported on behalf of FARDC and delivered to the Democratic Republic of the Congo authorities from States notifying the Committee of such deliveries. Such records should contain all the relevant information related to the equipment transported, such as quantity and type of transported items, identification serial numbers and markings of the equipment transported, including those appearing on the packages, the date and exact routing of the transport and identification of the FARDC unit receiving the transported equipment.

16. The Group recommends that MONUC continue its efforts to create a comprehensive and accurate database containing all the available information on the weapons and ammunition under its custody, including number and types of item and pictures of serial numbers and markings.

17. The Group recommends that MONUC's inspection capacity in connection with its arms embargo monitoring mandate be strengthened, and that the Mission be clearly mandated to conduct such inspections autonomously. The Group further recommends that MONUC's inspection mandate be expanded to include verification of FARDC arms or ammunition depots for dangerous stocks and equipment, such as

landmines and cluster munitions, prohibited by international instruments binding upon the Democratic Republic of the Congo.

Forces armées de la République démocratique du Congo: security sector reform, supply of equipment and training

18. In the context of paragraph 5 of resolution 1807 (2008), the Group recommends that the Security Council strengthen the notification proc dures by mandating the Sanctions Committee to approve all deliveries of military equipment and provision of training by Member States. The Group recommends that approval of such advance notification by the Sanctions Committee be expressly conditioned to the mandatory provision by Member States of all the necessary information for the positive identification of declared supply of equipment or training, namely: end-user, proposed date of delivery, itinerary of shipments, identification of the cargo carrier (ship's name or flight number or trucking company, etc.), number of containers and container numbers and markings. With respect to training, the Group further recommends that the Council request Member States to inform the Committee of the number of trainers, location of the training, date of commencement of the training, the FARDC units to be trained, the types of training to be performed, as well as the measures taken to ensure that training is delivered only to "vetted" candidates.

19. The cases illustrated in this report show that the Democratic Republic of the Congo Ministry of Defence has used private companies in the Democratic Republic of the Congo and elsewhere to import vehicles and aircraft for direct use by FARDC. The Group recommends that the Security Council request Member States to inform companies operating under their territories of the obligation to notify the Sanctions Committee of the provision of assistance to FARDC, and ensure greater oversight in the implementation of the notification procedure regarding provision of military assistance by private entities and individuals.

20. The Group recommends that the Security Council mandate MONUC and the Government of the Democratic Republic of the Congo to implement, without delay, a vetting mechanism to screen the human rights records of FARDC officers with a view to imposing disciplinary and judicial sanctions on gross human rights abusers within FARDC, according to the Democratic Republic of the Congo and international law. In this connection, the Group recommends that the Council request the Democratic Republic of the Congo authorities to adopt the necessary legislation as soon as possible and no later than early 2010 and to support independent human rights monitoring efforts. As mentioned in the press release by the United Nations Special Rapporteur on extrajudicial killings of 5 October 2009, the Group supports as an immediate step that all FARDC soldiers be required to wear uniforms that identify their individual names and unit affiliation and that MONUC make this one of the conditions for its provision of logistic support.

21. The Group recommends that the Security Council and the Sanctions Committee urge the Democratic Republic of the Congo authorities to remove General Bosco Ntaganda from the position of Deputy Commander of Kimia II operations. The Group further notes the obligation of the Democratic Republic of the Congo authorities to implement the assets freeze and travel ban against Mr. Ntaganda, whose name is included in the list of individuals and entities subject

to the measures of paragraphs 13 and 15 of Security Council resolution 1596 (2005), as renewed by paragraph 5 of resolution 1857 (2008).

Civil aviation

22. In the light of the Group's difficulty in obtaining, pursuant to paragraph 7 of resolution 1596 (2005), a comprehensive registry of flights from the civil aviation authorities of Burundi, Kenya, Rwanda, the Sudan, the United Republic of Tanzania and Zambia, the Group recommends that the Security Council reiterate its request to those States in particular to provide the Committee and the Group of Experts, without delay, all information concerning flights originating in their respective territories en route to destinations in the Democratic Republic of the Congo, as well as flights originating in the Democratic Republic of the Congo en route to destinations in their respective territories.

23. In the light of the continued use of civilian aircraft to transport troops and military equipment by FARDC, the Group recommends that the Committee request the Congolese Civil Aviation Administration to maintain a comprehensive list of all aircraft requisitioned by FARDC, including the dates of requisition.

24. The Group notes that a mixed MONUC/Government of the Democratic Republic of the Congo team has conducted multiple inspections at the Goma and Bukavu airports in 2009 to check the validity of required civil aviation documentation onboard aircraft, and to monitor the transportation of minerals from many of the smaller mining zones in the interior of the two provinces. The Group views such inspections as a highly valuable tool in identifying potential cases of minerals and arms trafficking to the benefit of non-State armed groups. The Group of Experts recommends that sufficient resources are made available to MONUC to increase the frequency of these inspections and to increase their geographical distribution within the Kivus and Ituri district. The Group further recommends that the results of each inspection be made public to better inform local and international organizations hiring aircraft as to the failure of certain aviation companies to assist the inspection teams, or to comply with civil aviation standards.

Implementation of the sanctions regime

25. The Group recommends that the Sanctions Committee act on the findings of the Group of Experts as contained in the Group's December 2008 final report (S/2008/773) and its May 2009 interim report (S/2009/253), as well as in the present report and in the confidential annexes presented by the Group, with a view to targeting through travel and financial sanctions those individuals and entities found to have directly or indirectly provided support to non-governmental armed groups operating in eastern Democratic Republic of the Congo.

26. The Group reiterates its recommendation, contained in previous reports, that the Committee consider listing FDLR under the assets freeze and travel ban as an organization, to allow Member States to take more stringent measures at the national level against those identified as members and supporters of FDLR.

27. The Group recommends that the Security Council and the Sanctions Committee mandate regional Governments to require their national agencies, in

particular financial institutions (including banks and other money transfer agencies), customs and immigration, to exercise vigilance and fully implement targeted sanctions on listed individuals and entities.

28. The Group observes that the limited implementation of the sanctions regime, together with the lack of follow-up at the national level on suspected violations, has seriously undermined the credibility of the sanctions regime. The Group recommends that the Committee fully implement its mandate, including by:

- Requesting information periodically from Member States concerned on the implementation of targeted travel and financial sanctions, as well as on FDLR diaspora and other members of armed groups residing in their territories
- Urging Member States, particularly those in the Great Lakes region, to submit implementation reports in connection with paragraph 7 of Security Council resolution 1857 (2008). The Group notes in this regard that at the time of writing, only 15 Member States had submitted such reports
- Holding consultations with concerned Member States in connection with the challenges they face in implementing the sanctions regime, as well as with outstanding requests for information made by the Group of Experts
- Updating the list of individuals and entities and in particular with respect to the section "designation/justification", also to include references to violations documented by the Group of Experts in its reports
- A visit to the region by the Committee Chairman to raise awareness regarding the sanctions regime and to promote greater cooperation with the Group of Experts and the Sanctions Committee in the implementation of their respective mandates.

Annex 1

List of meetings and consultations[a]

Belgium

Government

Ministère des affaires étrangères

Organizations

International Peace Information Service (IPIS)
World Diamond Council
European Network for Central Africa (EURAC)

Private sector

Traxys
Tony Goetz & Zonen
Carbone Plus

Burundi

Government

Ministère des relations extérieures et de la coopération
Ministère de la justice
Ministère de l'energie et des mines
Ministère de la sécurité publique
Ministère de la défense nationale et des anciens combattants
Ministère des finances
Direction générale des douanes burundaises
Régie des services aéronautiques — RSA
Service national de renseignement — SNR

Organizations

International Conference on the Great Lakes Region
United Nations Integrated Office in Burundi (BINUB)
International Crisis Group

Private sector

Chambre de commerce et d'industrie
Berkenrode BVBA
U-Com Burundi

[a] For security reasons or in order to respect confidentiality clauses, the names of certain individuals and entities that have provided information or statements to the Group of Experts cannot be listed.

Diplomatic representations

Embassy of Belgium
Embassy of France
Embassy of Germany
United Kingdom Department for International Development

Democratic Republic of the Congo

Government

Administration provinciale de Nord Kivu
Administration provinciale de Sud Kivu
Administration du territoire de Mwenga
Administration du territoire de Rutshuru
Administration du territoire de Walikale
Local administration in Bunyakiri, Hombo, Kitchanga and Minembwe
Agence nationale de renseignement
Assemblée provinciale du Nord Kivu
Assemblée nationale
Association des comptoirs exportateurs de minerais de Goma
Association des négociants de minerais de Goma
Auditorat général des FARDC
Banque centrale du Congo
Cadastre foncier de Goma
Centre d'évaluation, d'expertise et de certification (CEEC)
Comité interprovincial de coordination des opérations
Commission électorale indépendante
Direction générale de migration
Direction générale des renseignements et des services spéciaux
Forces armées de la République démocratique du Congo (FARDC)
Gouvernorat de la Province de Goma
Institut congolais pour la conservation de la nature
Ministère des affaires étrangères
Ministère de l'intérieur
Ministère de la défense nationale et des anciens combattants
Ministère des mines
Ministère des transports
National Focal Point for Small Arms and Light Weapons
Office des douanes et accises (OFIDA)
Office congolais de contrôle (OCC)
Office de gestion du fret maritime
Office national des transports (ONATRA)
Parquet général de la République
Parquet de la République de Goma
Parquet de la République de Uvira
Police nationale congolaise
Police des mines et des hydrocarbures
Programme Amani — Sud Kivu
Régie des voies aériennes (RVA)
Régie des voies maritimes (RVM)
Unité d'exécution du Programme national DDR (UEPNDDR), South Kivu

Organizations

Bego-Congo, Exploitation-Forestière
Centre de coordination pour l'action contre les mines, Bukavu
Congrès national pour la défense du peuple (CNDP)
ECHO
ENOUGH
EUPOL
EUSEC
Human Rights Watch
Office for the Coordination of Humanitarian Affairs
United Nations Organization Mission in the Democratic Republic of the Congo
Rassemblement de Goma de mobilization, fierte et integrite nationale (RGAMFIN)
United Nations Children's Fund
United Nations Development Programme
United Nations Joint Human Rights Office
World Food Programme
World Bank

Private sector

African Air Service
BIVAC — Bureau Veritas
Comptoir MDM (Bukavu, South Kivu)
Comptoir WMC (Bukavu, South Kivu)
Comptoir Olive (Bukavu, South Kivu)
Comptoir Muyeye (Bukavu, South Kivu)
Doren Air Cargo
General Mining Company
Gisair
Hill Side (HS)
Huaying Trading Company
Jupiter Cargo
Minerals Processing Company (MPC)
Service d'appui et d'encadrement des exploitants artisanaux des mines (SODEEM)
Stellavia
Swala
TRACEP

Diplomatic representations

Embassy of Angola
Embassy of Belgium
Embassy of France
Embassy of the Netherlands
Embassy of the Russian Federation
Embassy of Spain
Embassy of the United Kingdom of Great Britain and Northern Ireland
Embassy of the United States of America
European Union

France

Government

Ministry of Foreign Affairs

Germany

Government

Federal Foreign Office
Federal Immigration and Asylum Authority
Federal Ministry of the Interior
Federal Ministry of Justice
Federal Prosecuting Authority
Ministry of the Interior of the Federal State of Baden Wuerttemberg

Italy

Government

Procura antimafia di Perugia

Rwanda

Government

Rwandan Defence Forces
National Commission for Demobilization and Reintegration

Diplomatic representations

Embassy of Belgium
Embassy of the United Kingdom of Great Britain and Northern Ireland

Uganda

Government

Chieftancy of Military Intelligence (CMI)
External Security Organisation (ESO)
Internal Security Organisation (ISO)
Ministry of Foreign Affairs
Uganda Bureau of Statistics
Ugandan Civil Aviation Authority
Uganda Peoples Defence Forces
Uganda Revenues Authority

Organizations

Refugee Law Project
United Nations Children's Fund

Diplomatic representations

Embassy of Belgium
Embassy of France

Embassy of Italy
Embassy of the United States of America
Liaison Office of the South Sudan Relief and Rehabilitation Commission

United Arab Emirates

Government

Ministry of Foreign Affairs, International Organizations Department
Dubai Immigration Department

Organizations

Dubai Multi Commodity Centre (DMCC)
Emirates Airlines
Emirates Gold

United Kingdom of Great Britain and Northern Ireland

Private sector

Amalgamated Metals Corporation (AMC)
International Tin Research Institute (ITRI)

United Republic of Tanzania

Private sector

Crown Jewellery
Golden Telecommunications
Ruby Exchange Bureau

Organizations

Brothers of Charity (Kigoma)
UNHCR

Diplomatic representations

Consulate of the Democratic Republic of the Congo in Kigoma

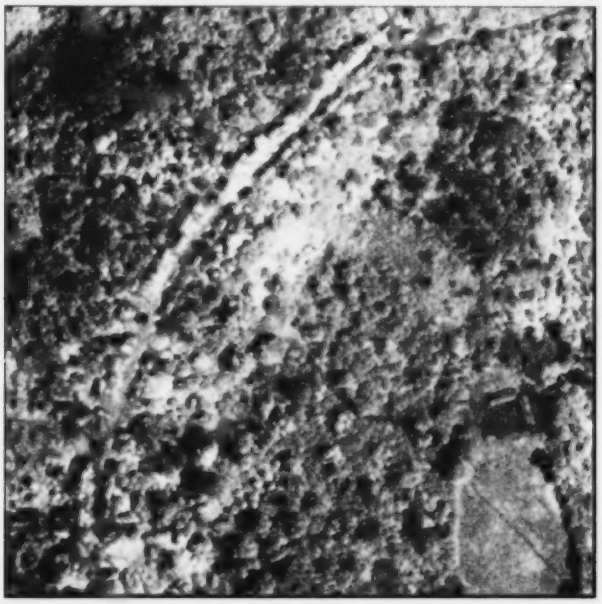
United States of America

Organizations

United Nations Headquarters
United Nations Department of Peacekeeping Operations
United Nations Department of Political Affairs
United Nations Children's Fund

Annex 2

Satellite images of one of the villages razed by the FDLR during Kimia II operations. The top picture was taken before the attack; the bottom picture was taken after the attack was perpetrated.



Annex 3

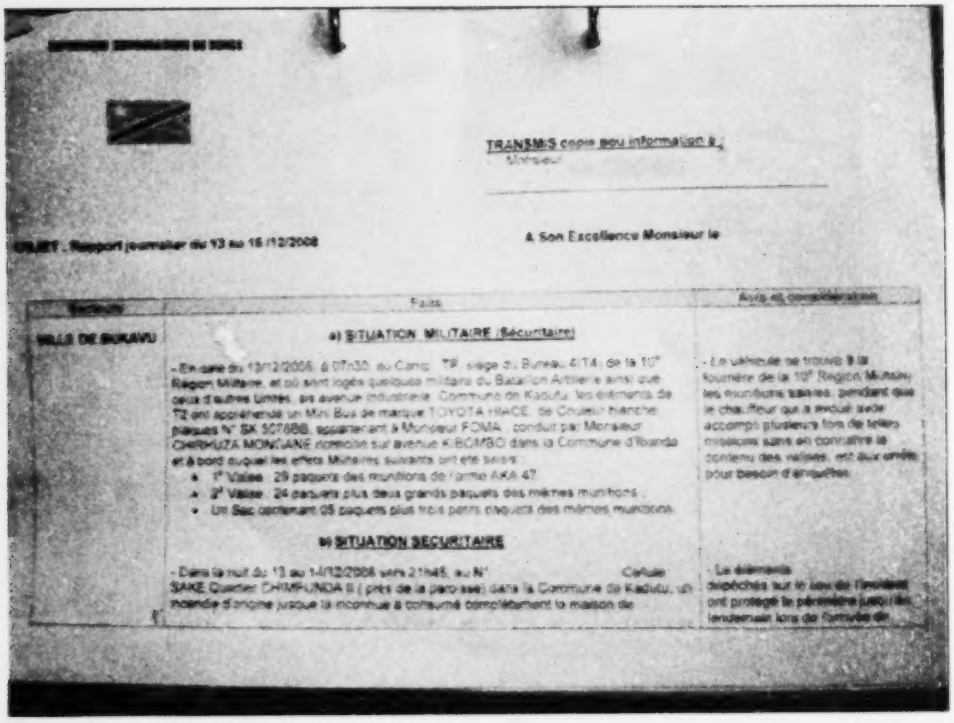
Sample of businesses suspected to be run by FDLR according to the Democratic Republic of the Congo intelligence authorities

RESULTAT INVESTIGATION SUR BIENS FDLR DANS LA VILLE DE GOMA

BIENS	NATURE	PROPRIETAIRE	GERANT à Goma	ADRESSE	ATV ENGAGE
01	Fuso Nk4564BB	Gen Gaston	ZAKALOVI	RUTSHURU	Transport Rutshuru - Goma
02	Fuso NK7642BB	Gen Gaston	BOSCO	RUTSHURU	Transport Rutshuru - Goma
03	Fuso NK1618BA	Col MUGARAGU	MUHINDO	ALALINE	Transport des planches MWESO - GOMA Voir dépôt ALALINE
04	Fuso NK8005BB	Col MUGISHA OMEGA	NIWEMBO KASANI	BIRERE AV MAPENDO	Transport haricots MASISI - GOMA Voir dépôt marien HUNA/BIRERE
05	Bus NK3C06BB	LtCol HITIMANA ANACLET	ACCO	VOIR ACC/GOMA	Transport GOMA - BUTEMBO
06	Bus NK5466BB	LtCol HITIMANA ANACLET	ACCO	VOIR ACC/GOMA	Transport GOMA - BUTEMBO
07	Bus NK1272BB	Maj MBUYI	ACCO	VOIR ACC/GOMA	Transport GOMA - BUTEMBO
08	Bus NK6340BB	Col FRANCK	ACCO	VOIR ACC/GOMA	Transport GOMA - BUTEMBO
09	Bus NK7852BA	Maj BOBO	ACCO	VOIR ACC/GOMA	Transport GOMA - BUTEMBO
10	Bus NK9612BB	Gen Gaston	ACCO	VOIR ACC/GOMA	Transport GOMA - BUTEMBO
11	LAND CRUISER NK364BB	Col MUNDATINYWA	BIEMANA (MANGANO)	KATINDO AFIA-BORA	Transports minerais WALIKALE - GOMA
12	Hôtel PETIT POUSSIN	Pasteur MANAYAGUHA	1. KANAMBA MOFAYA	ENTREE PRESIDENT	Restaurant et Logement
13	Hôtel TEMPETE	François CHIMIE	JANVIER (0994353709)	NDOSHO	Chambre et Nganda
14	Nganda SOLIDARITE	SABIMANA ANACLET	Gérant (0994201481)	KATINDO	Mouvement BAR
15	Coopec UMOJA	MUNYAMANA NGANZI Lévi	OMBENI MUSAFIRI	MOSQUEE	Mouvement d'épargne et crédit
16	Coopec ERAMA	MUNYA RUGERERO (Srt Gen FDLR basé à Bruxelles)	KAHAMBU	KATINDO	Mouvement d'épargne et crédit
17	Dépôt vente d'art Dieu qui donne	MUGABO MUNYA	Gérant (0994457775)	TERMINUS	Vente en Gros PRIMUS
18	Pharmacie LOUISHA	Mme MUKAMUSONI	GASTON	TERMINUS	Vente produits pharmaceutiques
19	Magasin YA WAZAZI	BWIRA SAHENGE	NZABILAMAN	APIA - BORA/Terminus	Vente produits divers
20	Magasin DUKA LETU	BWIRA DOMINIQUE	NZABILAMAN	TERMINUS	Vente produits divers

Annex 4

Democratic Republic of the Congo security service report on the attempted leaking of 14,000 rounds of ammunition from the FARDC stockpile of the tenth military region, on 13 December 2008. Sections of the document have been deliberately erased for reasons of confidentiality.



TRANSMIS copie pour information à :
Monsieur

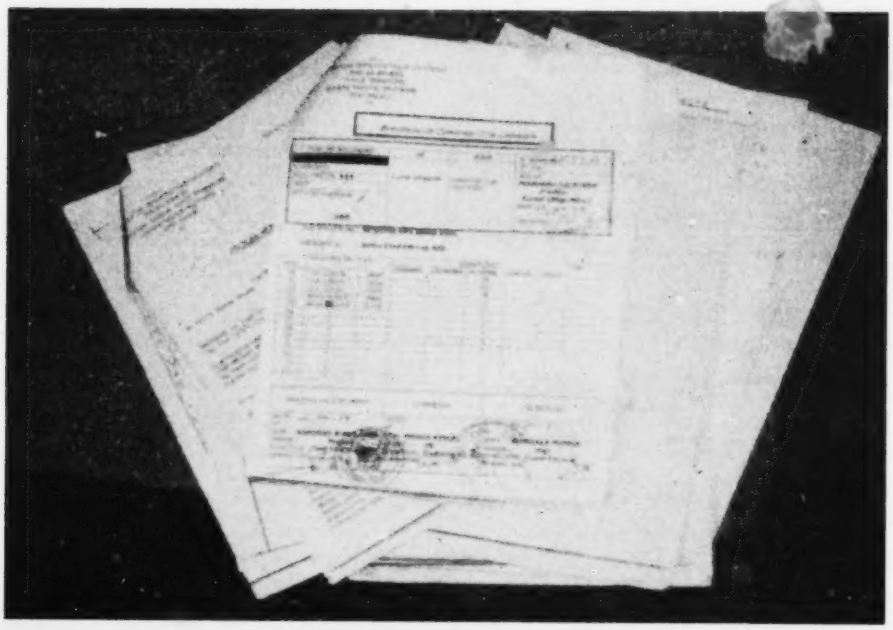
OBJET : Rapport journalier du 13 au 16 /12/2008

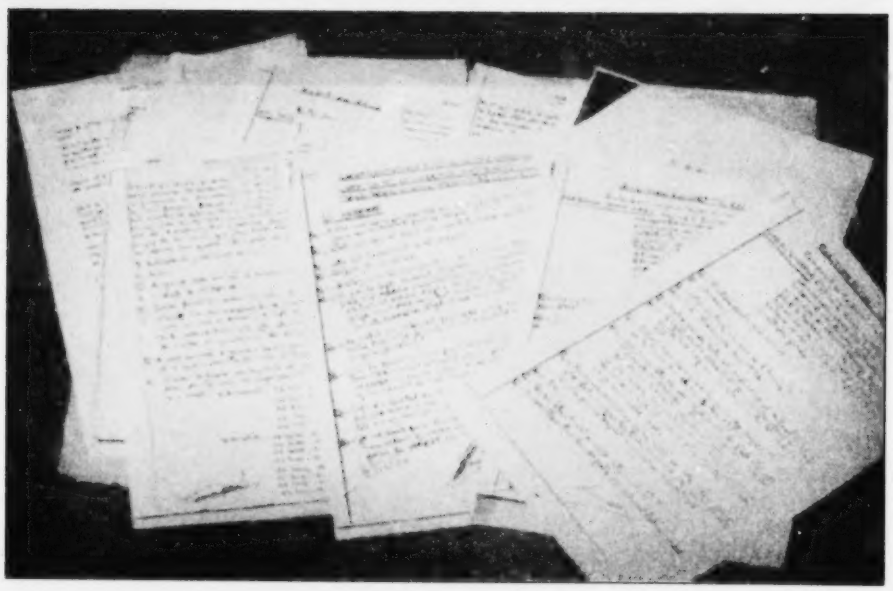
A Son Excellence Monsieur le

Service	Faits	Avis et considérations
VILLE DE BUKAVU	a) SITUATION MILITAIRE (Sécuritaire) - En date du 13/12/2008, à 07h30, au Camp TP, siège du Bureau 4/14, de la 10e Région Militaire, et où sont logés quelques militaires du Bataillon Artillerie ainsi que ceux d'autres Unités, en avenue Industrielle, Commune de Kadutu, les éléments de TZ ont appréhendé un Mini Bus de marque TOYOTA HIACE, de Couleur blanche, plaques N° BK 5076BB, appartenant à Monsieur FOMA, conduit par Monsieur CHIRHUZA MONGANE domicilié sur avenue KIBOMBO dans la Commune d'Ibanda et à bord duquel les effets Militaires suivants ont été saisis : • 1e Valise : 29 paquets des munitions de l'arme AKA 47 • 2e Valise : 24 paquets plus deux grands paquets des mêmes munitions ; • Un Sac contenant 05 paquets plus trois petits paquets des mêmes munitions b) SITUATION SECURITAIRE - Dans la nuit du 13 au 14/12/2008 vers 21h45, au N° Cellule SAKE Quartier CHIMPUNDA II (près de la paroisse) dans la Commune de Kadutu, un incendie d'origine jusque là inconnue a consumé complètement la maison de	- Le véhicule se trouve à la fourrière de la 10e Région Militaire les munitions saisies, pendant que le chauffeur qui a évoqué avoir accompli plusieurs fois de telles missions sans en connaître le contenu des valises, est aux arrêts pour besoin d'enquêtes. - Les éléments dépêchés sur le lieu de l'incident ont protégé la périmètre jusqu'au lendemain lors de l'arrivée de

Annex 5

File of documents of the Congolese T2 office (intelligence) of the tenth military region (South Kivu) reporting the attempted leaking of 14,000 rounds of ammunition from the FARDC stockpile of the tenth military region, on 13 December 2008



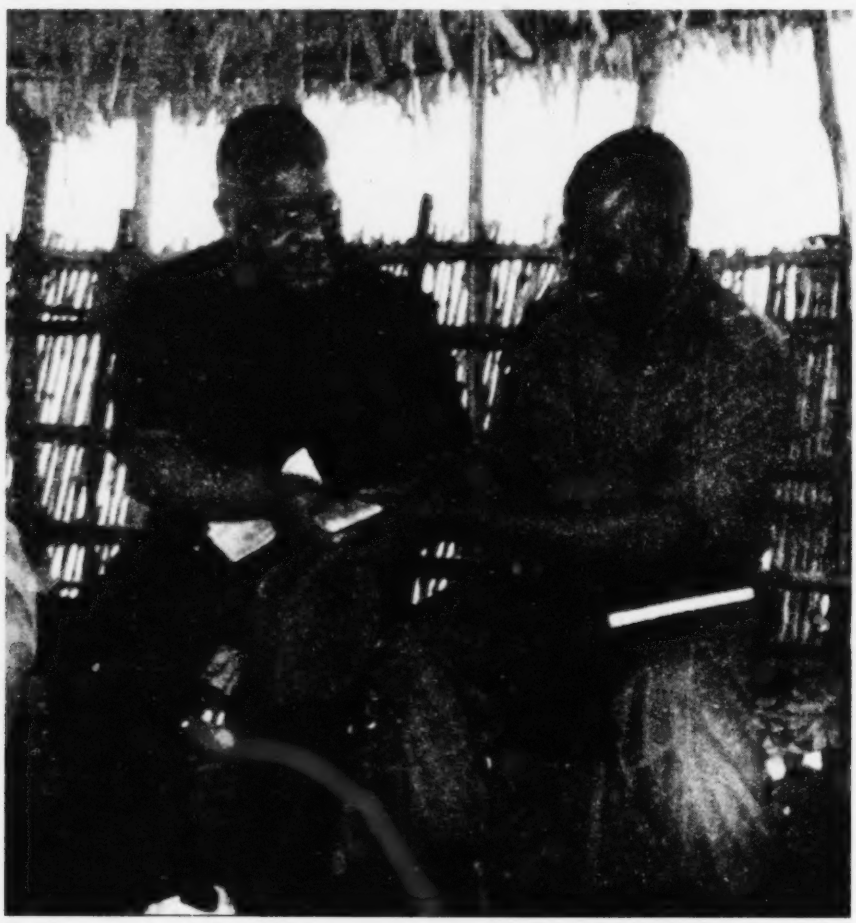


Annex 6

Selection of weapons seized by MONUC's Pakistani contingent during the night between 15 and 16 June 2009 in Uvira (South Kivu)

Annex 7

Photograph of Mr. Nyamwisi (left) handing out cash to General Lafontaine (right) as part of an official Government facilitation process in January 2008



Annex 8

Photograph of Colonel Nyamuhimba, responsible for liaison activities on behalf of RUD Brazzaville, with Major Grégoire Sengahire (left) and Lieutenant Colonel Rwigema Emmanuel (right). This picture was taken in June 2008 at Hotel Butembo in Butembo (North Kivu, Lubero territory).

Annex 9

E-mail showing discussions in Kinyarwanda between General Musare and an anonymous contact claiming to be part of a Tutsi monarchist movement (Mouvement Ruderhiwa pour la libération du Rwanda) who wants to plan an attack against the Government in Kigali and suggests infiltrating recruits through the Bunagana border post between Uganda and the Democratic Republic of the Congo in order to have them trained with RUD

Objet: RE: Re : KOMERA

Lundi 10 Août 2009 6h40mn 15s

De:

"Mwenedawidi Francois" <mwenefrancois@yahoo.fr>

À:

"Johnson Mahame" <johnson.mahame@yahoo.fr>, himayamartin@yahoo.fr

Ntakintu gishimisha kibaho nko kumva amagambo ahumuriza iyo uri mukaga. None nkuko nabikubwiye ubushize ubu ndi i Bujumbura Capital ntegereje gahunda yanyu kugirango menye icyo nakora. Icyemezo cyanyuma kirava k'UWITEKA. kandi ubu niteguye gukora icyo Imana iransaba gukora cyose kuko akarengane kamaze kurenga inkombe.

A bientot Frère.

--- En date de : **Dim 9.8.09, Johnson Mahame *<johnson.mahame@yahoo.fr>*** a écrit :

De: Johnson Mahame <johnson.mahame@yahoo.fr>
Objet: RE: Re : KOMERA
À: "mwenefrancois@yahoo.fr" <mwenefrancois@yahoo.fr>
Date: Dimanche 9 Août 2009, 14h04

Guhura nawe ntakibazo.Ndabaza neza amayira kgo nguhe precisions exactes ejo ce10aout2009.Komera kandi wihangane.Imana niyo nkuru

Mwenedawidi Francois a écrit :
>
> Bonjour frère!
>
> Nshimishijwe cyane nukuntu dutangiye kuvugana tujyana inama. Nibyo koko uwizera umwana w'umuntu avumwe. reka imigambi yacu tuyishyire imbere y'Imana abe ariyo itujya imbere.
>
> kubyerekeye izina ry'Umuryango wacu tuzabiganiraho nabagenzi banjye turebe niba twarikomeza cyangwa tugahindura nkuko ubitugiramo inama. kurwego twe twaritugezeho ni urwo kubona intwaro no guforma abasirikare, none bitewe nuko namwe mufite ikibazo cyo kubona intwaro, ndaza kubwira bagenzi banjye dushakishe base arrière ituma tubona intwaro ntakibazo usibye kuzibona ari uko uzamb iye umwanzi gusa.

> gahunda twe dufite ni ukurwanya umwanzi turi imbere mu gihugu SURTOUT EN CAPITAL, biensur nohanze ariko cyane imbaraga turi kuzishyira imbere.dufite uburyo bwinshi bwokuba twarwanira muri capital.
>
> ndanezerewe kuko ntavangura ufite. natwe nuko, niyo mpamvu muri make politique yacu ishingiye kuri: UNITE, JUSTICE ET DEVELOPPEMENT.
>
> ibyerekeranye no guhuza abanyepolitique ibyo si ikibazo gikomeye. kandi nubwo twaba mu mitwe ibiri, itatu se icyangombwa ni uko twagira intego imwe. ibyo rero ntabwo byagombye kutubuza kuba twakorana. kugeza ubu ntabwo dushaka kujya ahagaragara tutaragera kubyo twiyemeje ariko inzira zose ziri gutegurwa. service ikomeye ngusaba ni ukuduformira abana noneho bakagaruka mugihugu bazi icyo gukora. gerageza kunoza inzira kuburyo abana bajya bakugeraho ntakibazo cyane kuruhande rw Ubugande nka Bunagana. naho mu Birunga ho hararinzwe cyane n'abazungu babishyiramo imbaraga.
>
> Mines zo gutega hari ubwo muzibona?
>
> Tuzongera ubutaha.
>
>
>
>
>
> --- En date de : Ven 31.7.09, Johnson Mahame <johnson.mahame@yahoo.fr> a écrit :
> De: Johnson Mahame <johnson.mahame@yahoo.fr> Objet: RE: Re : KOMERA A: "mwenefrancois@yahoo.fr" <mwenefrancois@yahoo.f > Date: Vendredi 31 Juillet 2009, 16h51
> Komera.Nkuko wabinsabye dore igisubizo cy,ibyo wansabye.Njye sinemera umuntu umbeshya.Nabanzi bose babinziho.Kubyerekeye nuko dukora,njye nafashe umuheto tukaba dufite abanyapolitike dukorana baba muri Etats unis na Europe.Mu gisirikari twakorana mbere yuko nabo bari hanze bakavugana.Njye simba muri FDLR ahubwo muri RUD-URUNANA.Dukorana na tsi.Ubwo wumva byakwihuta wambwira abantu banyu nkabacu baba hanze natwe tukazakora ibyacu.Ariko umuntu wo kuzaza ngo tuvugane igihe hakorwa ibindi.Radio yanyu izakora avec quelle ligne ideologique?Intwaro tuzibona kubo turwana kko situation ntiyakwemerera kugura.Iyi adresse niyanjye nuko nayikozeg hutihuti kubera mwebwe.Ibindi ubundi. Mwenedawidi Francois a écrit : > Komera cyane nshuti yanjye! >
> natinze kugusubiza kubera ibibazo bikomeye narimo. umbabarire cyane rero sinjye. > > hashize umwaka n'igice dutangiye
> bitewe na injustice dukomeza kubona, dufite abana benshi tumaze gutegura ubu icyo tubura naho tugomba kubarerera niyo mpavu twifuza gukorana namwe, umuryango wacu witwa"MOUVEMENT RUDAHIRWA POUR LA LIBERATION DU RWANDA" en sigle MRLR. uyu muryango nturatangira kwishyira ahahagarara, turifuza kujya ahagaragara ubwo tuzaba tumaze kubona ko duhagaze neza > . kugeza ubu ibyo tuvugana ndagusabye ubigire ibanga kuko ntabwo twifuza nabusa kwitangaza imburagihe, impavu yatumye umuryango tuwita gutyo ni ukubera idéologie politique ya Rudahirwa itaragiraga ivangura, yogutuma igihu cyijya mbere mu majyambere, uburezi n'ibindi byinshi cyane ntarondora. > >

imikorere yacu rero ubu dufite abantu dukorana bari Etats unis na Europe. Gahunda yacu ni ugukora umutwe wagisirikare, ariko wamara kubona formation nyayo n'ibikoresho nyabyo >
benshi muribo bakaza mugihugu. kuko turifuza gutangira gahunda zo
> kurandura ikibi bamwe barwanira imbere abandi binjira. ibyo bishobora kudutwara igihe ariko ntakidashoboka. Niyo mpamvu unyemereye n'ubu natangira kubakohererereza. > > ubu dufite radio mondiale igomba kuzajya yumvwa n'abantu bose bo kwisi, Ntiratangira gukora ariko imaze gutunganwa. ibyayo nzabikubwira neza maze kubona ko ntarwikekwe dufitanye kandi ko twiyemeje gukorana. > > Njyewe ntabwo nafashe umuheto, je suis politicien. ariko nitumara kwizerana ndateganya kuza kukureba nanjye mpageze nafata formation. ubu njye nabagenzi banjye twamaramaje gutabara igihugu. icyampa ugafata icyemezo cyo kwifatanya natwe bya dutetakurushaho kugira courage. Impamvu twafashe undi muryango ni uko FDLR iifite ishusho mbi cyane kwisi yose, twabonye rero dukoze umuryango mushya byaba byiza kandi umuryango umuntu yakwibonamo. abana nazakohererereza ni abana mba natoranije ni?eye. >
> > None ndifuza kumenya niba kubona intwaro aho muri kongo byoroshye, ubu nicyo kibazo gikomeye cyane dusigaranye. Nitumara kwemeranya niba twakorana nzagufasha mu itumanaho nkohererereza Laptop n'ibindi wakenera kugirango communication ibe ok. > > ese iyi Email ni iyawe cyangwa ubinyuza kuwundi muntu? Niba kandi wifuza gukorana natwe ndagusabye ibintu byo kubeshya ubyirinde cyane kuko byica byinshi ujye burigihe umbwira uko ikintu cyimeze ntakwirarira. Maze kubona ko abantu bagumye mu ishyamba mutekereza ko twe twinaha twabaye inyenzi, ibyo bigatuma mutwishisha, ariko namwe mujye mumenya ko mubo mukorana harimo ibukoresho bya Mukotanyi ari nayo mpamvu nshaka kohereza abantu banjye nzineza ko ntabyitso birimo ariko bitatubuza gukorana namwe uramutse uzi neza ko ntabyitso ufite. Ariko icyo nkwizeza cyo twe duhuje umugambi. kandi wenda Imana ni ibishaka uzatumenya. > > Nonese aho
> muri Congo bimezegute, probleme mufite cyane ni izihe? Mwumvase hakenewe iki kugirango tubohore igihugu? > > Sinzajya mbura kukubwira burigihe gushyira Imana Imbere kuko icyo yagambiriye ntawe ucyigamburuza. Kandi ujye umenya ko kunesha atari umbwinshi cyangwa intwaro. Kunesha ni Imana. Kora umurimo wawe ushizeho umwete. > uzasubira. > > Ton frère Gédeon.

> > > --- En date de : Sam 25.7.09, Johnson Mahame < johnson.mahame @yahoo.fr > a écrit : > De: Johnson Mahame < johnson.mahame@yahoo.fr > Objet: KOMERA À: " mwenefrancois@yahoo.fr " < mwenefrancois@yahoo.fr > Date: Samedi 25 Juillet 2009, 17h57 > Narishimye kko mugikomeye.Nuwo muhungu sinarinzi kwakiriho.Imana ishimwe.Mukibona ce msg mwansubiza kuribibibazo kgo nanjye nzabahe complements kuzo uwo muhungu azi kko duherukana kera:a)Imikorere yanyu b)Uko mwatangiye c)Uko muhagaze.d)Mwe twavuganye mwafashe umuheto e)Radio mwambwiye ikora ite.N,ibindi wumvanamenya.NB.Mwirinde abava ino bahunze urugamba .Laptop turayikeneye.Ariko ibizaba byiza nuko tuzicarana nuvuyiyo byose duhane ibyiyumviro zo gukora neza.IMANA MBERE YA BYOSE.NUKUNSUBIZA MUNYUJIYE KURI himayamartin

Annex 10

Copy of a photograph of FDLR commander for South Kivu, General Stanislas Nzeyimana (alias Bigaruka) and his wife. This picture was taken in the port of Kigoma, United Republic of Tanzania, in September 2008.

Annex 11

Various e-mails written by Mr. Ndagundi relating to his connections to the authorities of the United Republic of Tanzania. The Group has censored the identity of the individual receiving these e-mails in the interest of source confidentiality.

Ndagundi Bande <snbande@yahoo.com> **Wed, Jul 29, 2009 at 4:43 PM**
To: [redacted] <[redacted]@gmail.com>

Dear [redacted]
Many thanks for the clarification.
Let me now tell you the situation we are in right now on the ground in Eastern DRC. The occupation is on its last step, in less than 2 weeks, these people will launch the final offensive which is covered by Joseph Kabila through the so-called peace agreement signed between CNDP of Laurent Nkunda and the Kabila's Government, which am sure you are aware of, and the way it was reached by the two parties.

During KIMYA 1 joint operations that was waged by Rwanda and DRCongo against the FDLR, the aim was not to only fight the FDLR but an opportunity for Rwanda to sneak in or infiltrate its selected soldiers into DRCongo in order for them to take over the congolese land with the aim of creating a renegade STATE that they will call Republic of Kivu combining, Maniema, North and South Kivu altogether. So when they said that Rwandan army was withdrawing from Congo after their joint operations, thousands of the Rwandan soldiers remained in the CNDP of Laurent Nkunda and joined the congolese army through that peace agreement between CNDP and the Government of Congo. Now in the name of Congolese army, those soldiers are the ones fighting the FDLR in this second phase of KIMYA 2, of course with some few congolese soldiers.

As you may be aware of, the second phase is now taking place in South Kivu as we speak though they are having very hard time to advance.
Preparations for the last assault is underway in Burundi- not known officially- and Rwanda- officially- to help those who are already on ground in DRCongo to finalize their plan. And this in less than two weeks time, according to the informations we detain.

Taking into consideration of all what you just told me through this mail, let me tell you bluntly that we cannot wait until we meet in Dubai because it will be very late. At that time we will be facing a very different and serious reality of trying to fight them out of town like Uvira, Bukavu Fizi and so forth.

With you determination to help, please do not hesitate to send the amount you said as soon as possible for us to buy some material locally as I told you in my previous mail. This will help us to capture those town and have time for us to meet even in Uvira or Bukavu by that time as we will be controlling them.
So please take action decisevely and without delay, 23rd August is very very far for us.

I'm planning to go back in DRCongo on Friday or Saturday, I would appreciate to go back with at least a good report to my fellow members from you for them to know we are serious.

When you promised me you were coming I had told the Tanzanian authorities that we were going together to meet them but vey unfortunately you were busy and got no time.

With that side I have no problem at all. All our requests will be granted. You know I stayed in that country for 27 years; this gave me the opportunity to interact with them when we were all young in the same Town- Dar Es Salaam. We know each other very well and they know my stance in this situation. As you know this country is very respectable in the interantional arena. I know it will be very useful.
Waiting for reaction

La lutte continue!

Ndagundi Bande <snbande@yahoo.com> **Fri, Jul 24, 2009 at 10:33 AM**
To: [redacted] <[redacted]@gmail.com>

Cher [redacted]

Je suis très ravi de votre promptitude en communication. Keep it up!
Penser a nous arriver au moins vers le 10/08/2009. La situation sur terrain nous oblige d'essayer de devancer les événements; voila pourquoi je suis un peu pressé et vous m'en excuserai si je vous dérange.
Je voulais que pendant ce temps on en profite pour aller voir les autorités Tanzaniennes ensemble pour l'introduction et finaliser toutes les modalités de passage de tout ce que nous pouvons envisager de faire passer par la.
Je trouve que vous et nous pouvons aider efficacement a libéré les populations de l'est de mon pays et surtout libérer tout le pays comme c'est dans l'optique de notre vision vlobale.
Je v[illegible] prépare les comptes pour le transfert, mais j'insiste qu'il serait mieux de se v[illegible] pour cimenter nos relations ainsi vous saurez toujours avec qui vous traitez.

Portez-vous bien
Bande

Ndagundi Bande <snbande@yahoo.com> Fri, Jul 17, 2009 at 6:48 PM
To: [redacted] <[redacted]@gmail.com>

Cher [redacted]

Je viens de recevoir votre message et vous en remercie sincerement.

Au nom de notre organisation le Front National pour la Liberation et la Democratie, FNLD, je suis ravi d'apprendre que vous etes disposes a nous appuyer dans notre lutte. Pour ce qui est des contacts avec la Tanzanie, nous pouvons bien repondre a votre sollicitation et au besoin aller jusque dans echellons superieurs. Mais, je me reserve de vous dire quoi que ce soit maintenant jusqu'a ce que vous me disiez avec qui vous avez ete en contact a Uvira et surtout qui vous a parle de moi.

Du reste, nous sommes disposes a la rencontre tel que vous le demandez. Mais voudriez-vous m'avertir avant de venir parce que je suis tout le temps en mouvement.

Merci et que Dieu vous benisse.

Bande

Annex 12

E-mails from Mr. Ndagundi relating to money transfers and bank accounts he said he was capable of using. Some of the content of these e-mails has been censored in order to protect source confidentiality.

Ndagundi Bande <snbande@yahoo.com> Fri, Jul 24, 2009 at 12:50 PM
To: [redacted] <[redacted]@gmail.com>

Cher [redacted],

Voici l'un des comptes bancaires d'un de nos membres que nous allons souvent utilise dans nos transaction: SWIFT CODE: BICDCDKI, COMPTE NO. 84070-23070006801-42/USD au Nom de: NAMUNGANYI MUNGAMUNI.
BANQUE INTERNATIONALE DE CREDIT s.a.r.l,
Bukavu R.D.Congo
Les autres comptes vont suivre.
Merci!
Bande

Ndagundi Bande <snbande@yahoo.com> Fri, Jul 24, 2009 at 10:07 PM
To: [redacted] <[redacted]@gmail.com>

Cher [redacted],

Voici comme annonce dans le precedent message, le 2eme Compte Bancaire:

SWIFT: BCRBBIBI, COMPTE NO. 0121916-34/USD AU NOM DE: MALABI KYUBI WAKYUBI
BANQUE DE CREDIT DE BUJUMBURA S.M (BCB).

Les autres vont suivre.
Merci d'avance!
Bande

Ndagundi Bande <snbande@yahoo.com> Mon, Jul 27, 2009 at 9:03 PM
To: [redacted] <[redacted]@gmail.com>

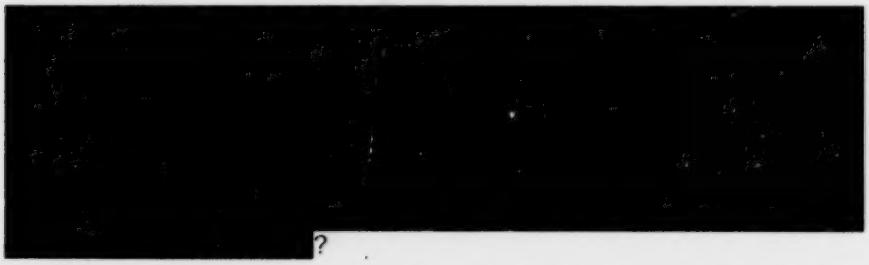
Cher [redacted],
Merci de toute votre détermination.
J'ai un ami portugais (blanc) a Lisbonne, est-il possible de lui remettre l'argent pour qu'il me le fasse parvenir a sa façon au lieu de chercher bcq de comptes bancaires?
Si oui, faites-moi un sms pour que je lui demande ce service.
Pour chaque transfert, veuillez m'en informer
Encore une fois merci.
Be blessed

Ndagundi Bande <snbande@yahoo.com> Tue, Jul 28, 2009 at 5:13 PM
To: [redacted] <[redacted]@gmail.com>

Cher [redacted],
Voici un autre compte bancaire:

SWIFT CODE: BARCTZTZ, ACCOUNT NO. 7001753/USD
NAMES: DESIRE MAGUMU MANGONGO.
BARCLAYS BANK, UHURU BRANCH.

DAR ES SALAAM, TANZANIA.



?

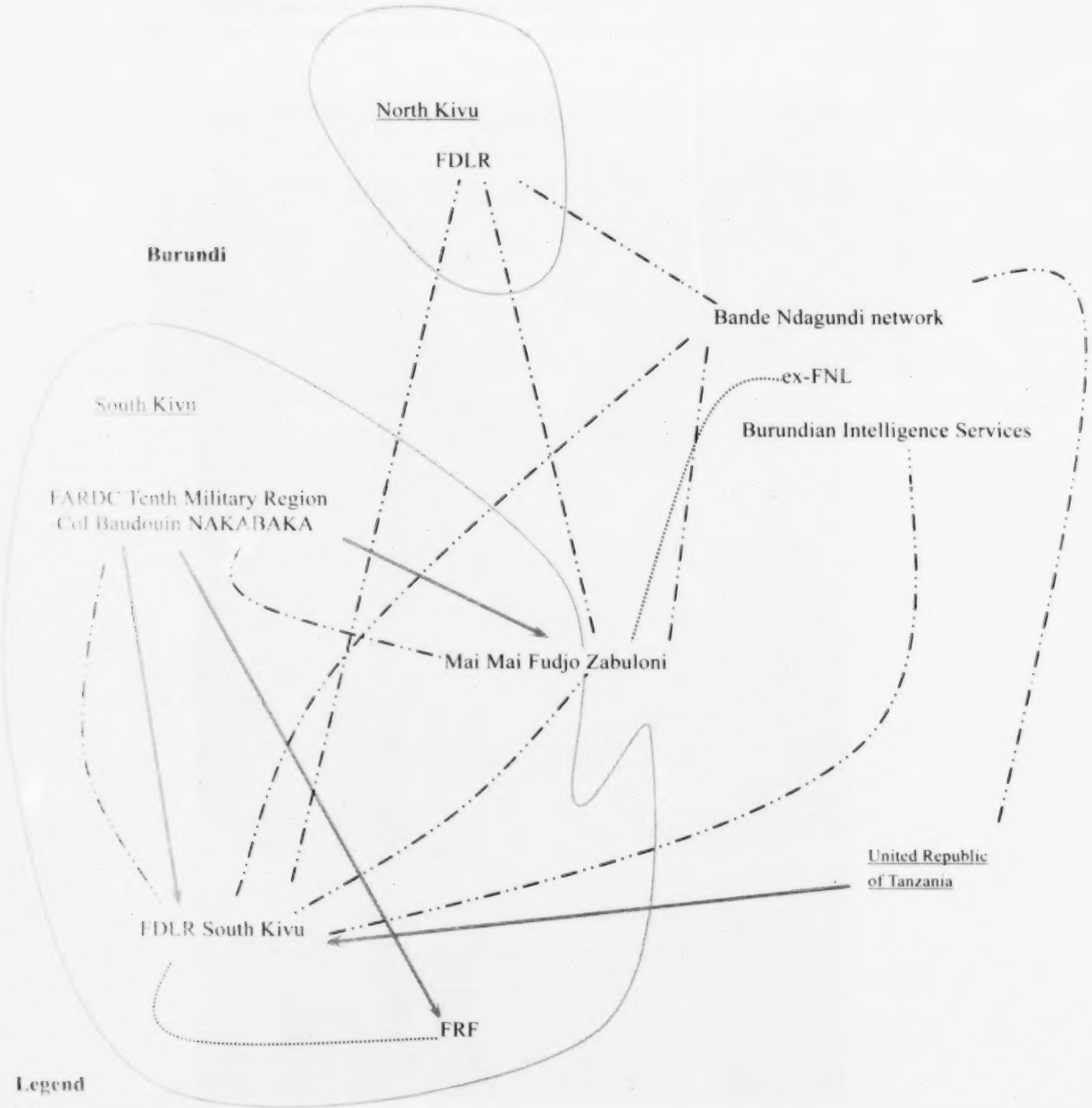
Are you ready to meet some of our members who are in Europe and talk to them before I give you their Bank accounts? please answer.
God bless you!
Bande

Annex 13

Photograph of Jean Jacques Bulimwengu Ramazani, arrested in Bujumbura for arms trafficking in 2008 and handed to the Democratic Republic of the Congo authorities, though subsequently seen in Baraka territory of South Kivu in April 2009

Annex 14

Diagram showing supply and support networks to armed groups in South Kivu



Annex 15

Copy of correspondence related to the attempted purchase of 40,000 Steyr AUG assault rifles and ammunition from Malaysia for the Burundian national police

[redacted]

FAX page 2 of 2

1) DESCRIPTION: STEYR AUG RIFLE + BULLET (WEAPON)
2) QUANTITY: 40,000 UNITS
3) EST. WT: 3.6 KG EACH
4) LOADING: KLIA AIRPORT
5) DESTINATION: BUJUMBURA, BURUNDI
6) SHIPPER: MALAYSIA POLICE
7) CNEE: BURUNDI POLICE

The aforementioned request was sent via email from Mr [redacted] (Chief Operating Officer – Asia Pacific, [redacted] Regional Office, [redacted]) on 11 February 2009 to [redacted]

Sincerely yours,

[redacted]

Classification: <CONFIDENTIAL>

The aforementioned request was sent via email from Mr [redacted] on 11 February 2009 to [redacted]

The request was for 'pricing for end (of) this month (February) for a shipment ex KLIA to Bujumbura' and the following specifications were made:

[redacted]

Classification: <CONFIDENTIAL>

----- Message from "[redacted]" <[redacted]@[redacted].com.my> on Tue, 10 Feb 2009 18.18.20 +0800 -----
To: "[redacted] / [redacted] Asia Pacific" <[redacted]@[redacted]>
Subject: Weapon to Burundi -

Boss,

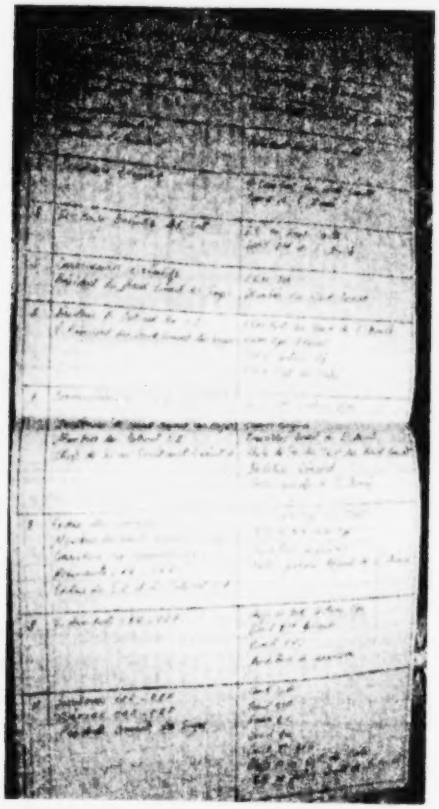
Need your help – I have inquiries to find Charter Flight for the following shipment detail.

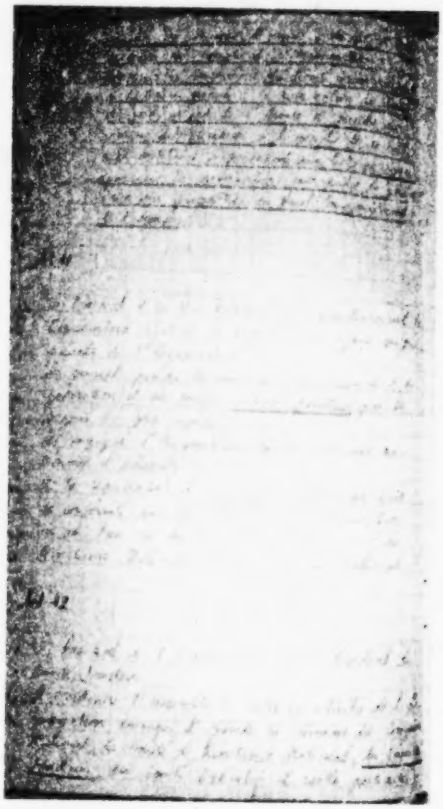
1) **DESCRIPTION : STEYR AUG RIFLE + BULLET (WEAPON)**
2) **QUANTITY ; 40,000 UNITS**
3) **EST. WT : 3.6 KG EACH**
4) **LOADING : KLIA AIRPORT**
5) **DESTINATION : BUJUMBURA, BURUNDI**
6) **SHIPPER : MALAYSIA POLICE**
7) **CNEE : BURUNDI POLICE**

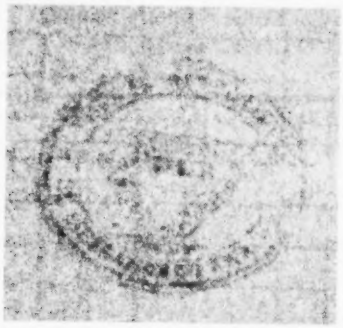
Need your help and we are required the door to door delivery charges, regulation in Burundi and flight information,
thanks.

Annex 16

Statutes obtained from an FDLR insider and stamped with an FDLR seal. The document indicates that the FDLR political leaders in the diaspora also function as military officials.



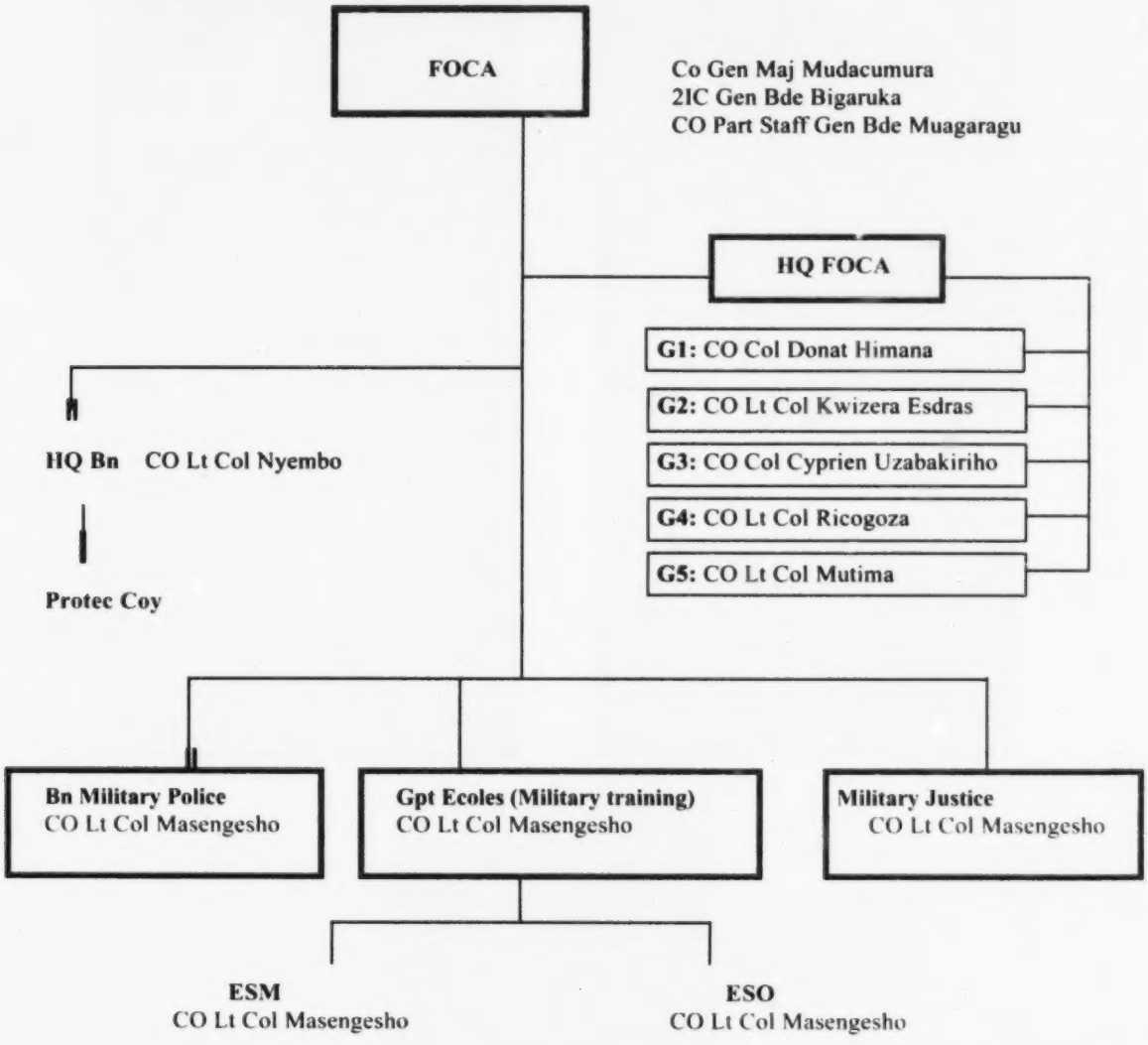




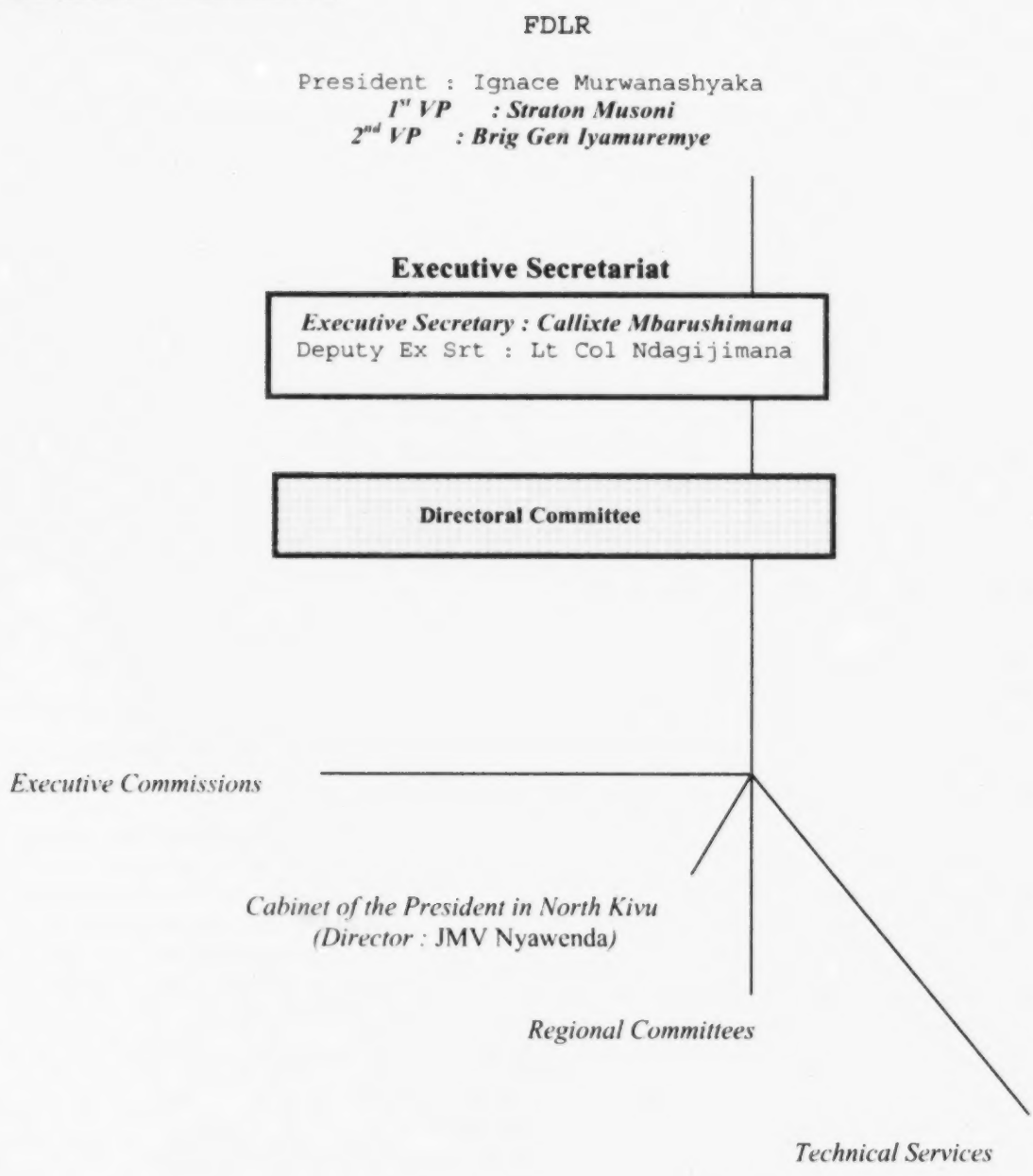
Annex 17

Diagram of the core FDLR military and political leadership, drawn up by the Group

I. FDLR Military leadership



II. FDLR political leadership



II. FDLR Executive commissions

Political affairs
Principal official: Emmanuel Ruzindana (aka Djuma Tatu) (France)
Deputy: Innocent Nsekanabo

Propaganda and mobilization
Principal official: Martin Gatabazi
Deputy: Eugène Urinzwenimana

Finance
Principal official: Gerard Rucira (Democratic Republic of the Congo)
Deputy: Vacant

Documentation and security
Principal official: Vacant
Deputy: Alphonse Buguzi

Defence
Principal official: Brigadier General Hakizimana
Deputy: Post vacant

Foreign affairs
Principal official: Ngirinshuti Ntambara (France)
Deputy: Judith Mukamuvara

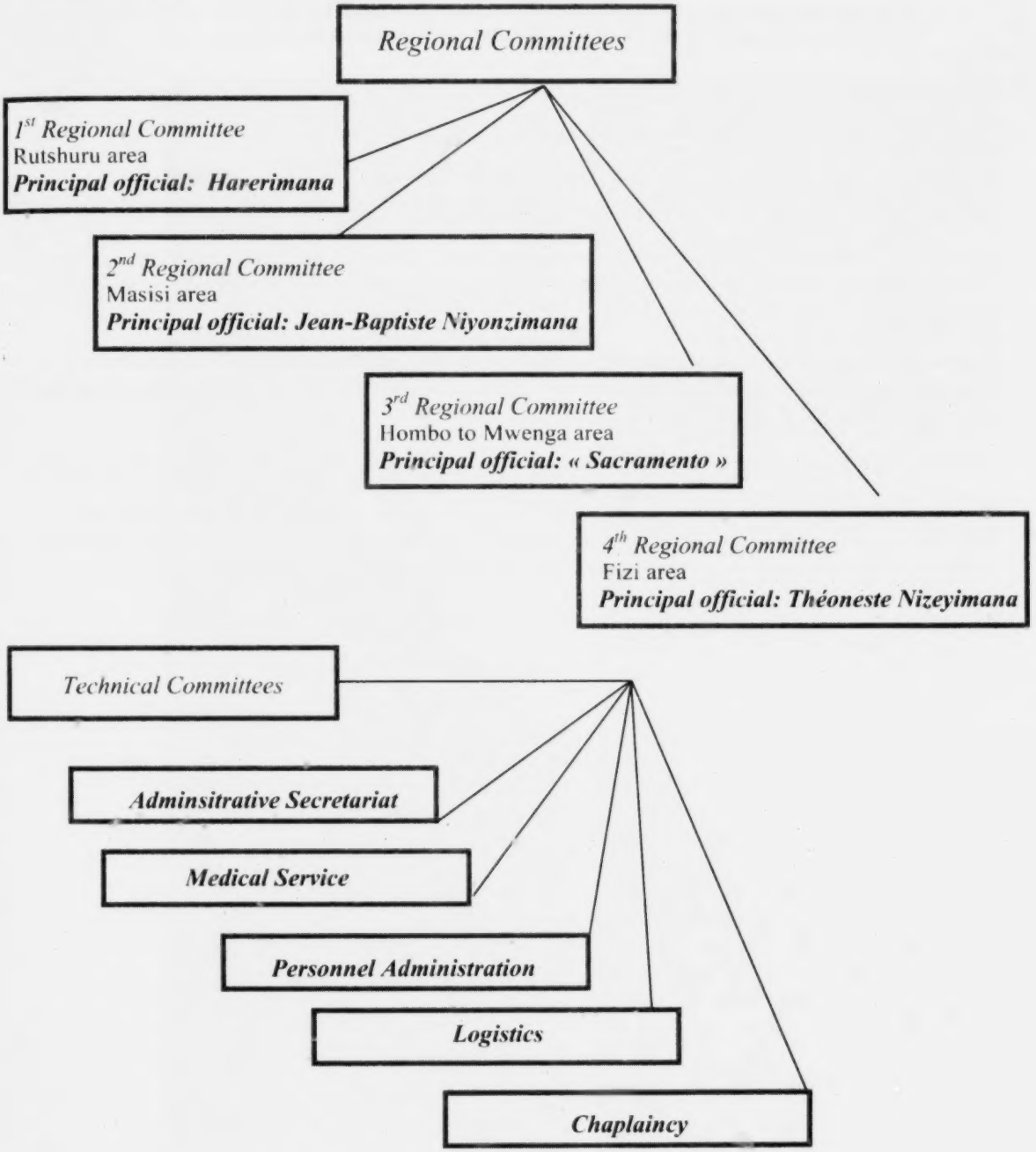
Gender
Principal official: Eugénie Ntiyotwizigiye
Deputy: Faustin Sekagina

Social affairs
Principal official: Gabriel Kabanda
Deputy: Augustin Twagiramungu

Legal affairs
Principal official: Vacant
Deputy: Vincent Hamana

Information
Principal official: Vacant
Deputy: Ignace Ntaka (Laforge) (Spokesman)

III. Regional committees and technical services



Annex 18

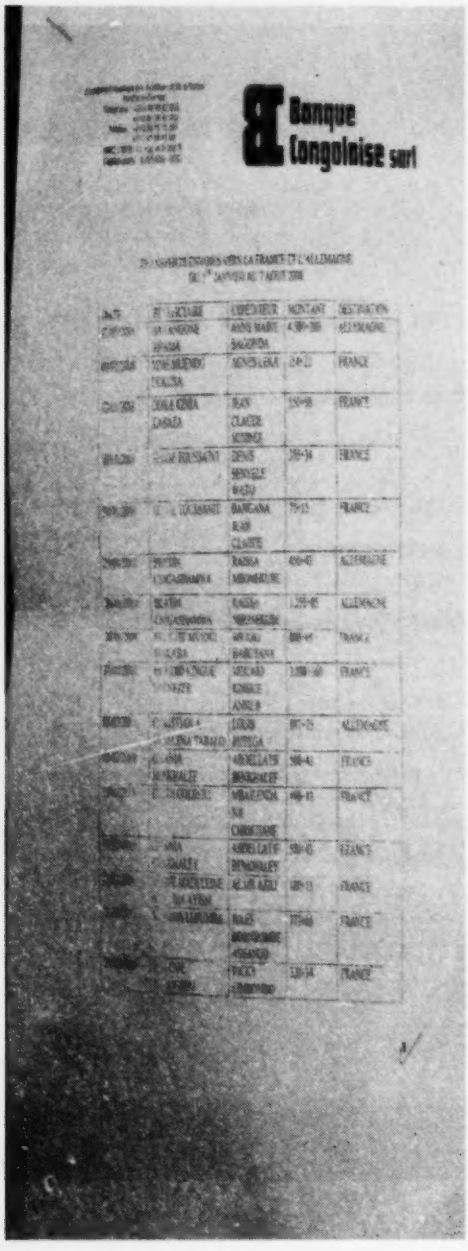
Transcript taken down by the Group relating to orders given by General Mudacumura and read out by an FDLR radio operator based in the field

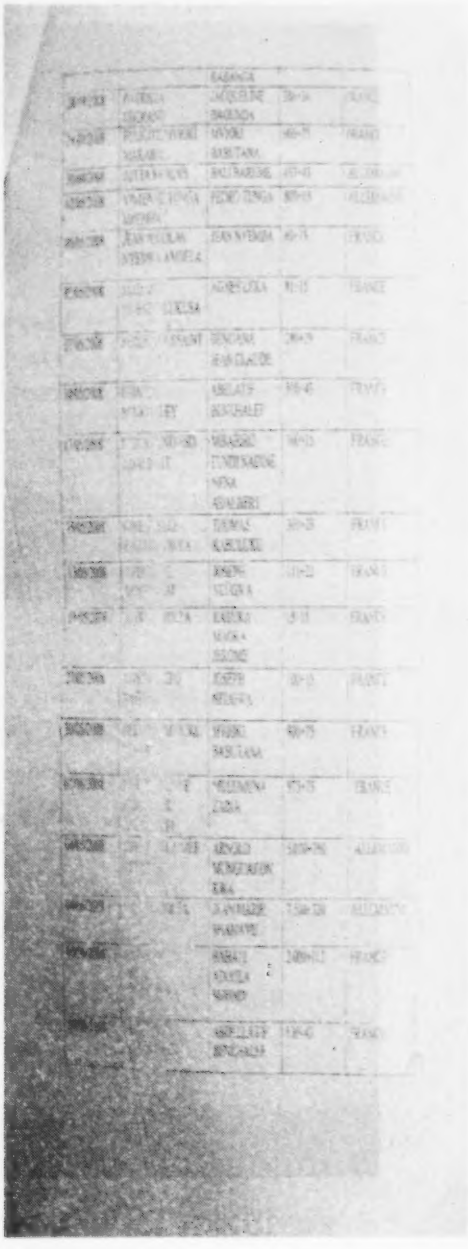
*Référence du message : **ADM/INT/OPS/POL/LOG/Mars 09***

- *Chaque unité dans sa zone respective doit opérer sans attendre aucun renfort.*
- *Privilégier les opérations de ravitaillement en frappant les FARDC pour récupérer les munitions et l'armement ; les hôpitaux et centres de santé pour récupérer les médicaments.*
- *Attaquer les agglomérations et la population civile pour créer la catastrophe humanitaire, ce qui poussera la Communauté Internationale de réagir en imposant au Gouvernement de Kigali les négociations avec les FDLR.*
- *Couper les routes principales en s'attaquant aux véhicules afin de paralyser les affaires commerciales et la population autochtone deviendra mécontente envers son Gouvernement et demandera l'arrêt des hostilités contre les FDLR.*
- *Toute unité FOCA dans toute Division doit commencer les opérations contre les FARDC pour les devancer.*
- *Tout congolais est pris comme notre ennemi, raison pour laquelle toute opération de ravitaillement est autorisée pour assurer la survie de nos hommes et pour déstabiliser la sécurité de la population autochtone ce qui augmentera leur mécontentement envers leur Gouvernement. FIN DE MESSAGE.*

Annex 19

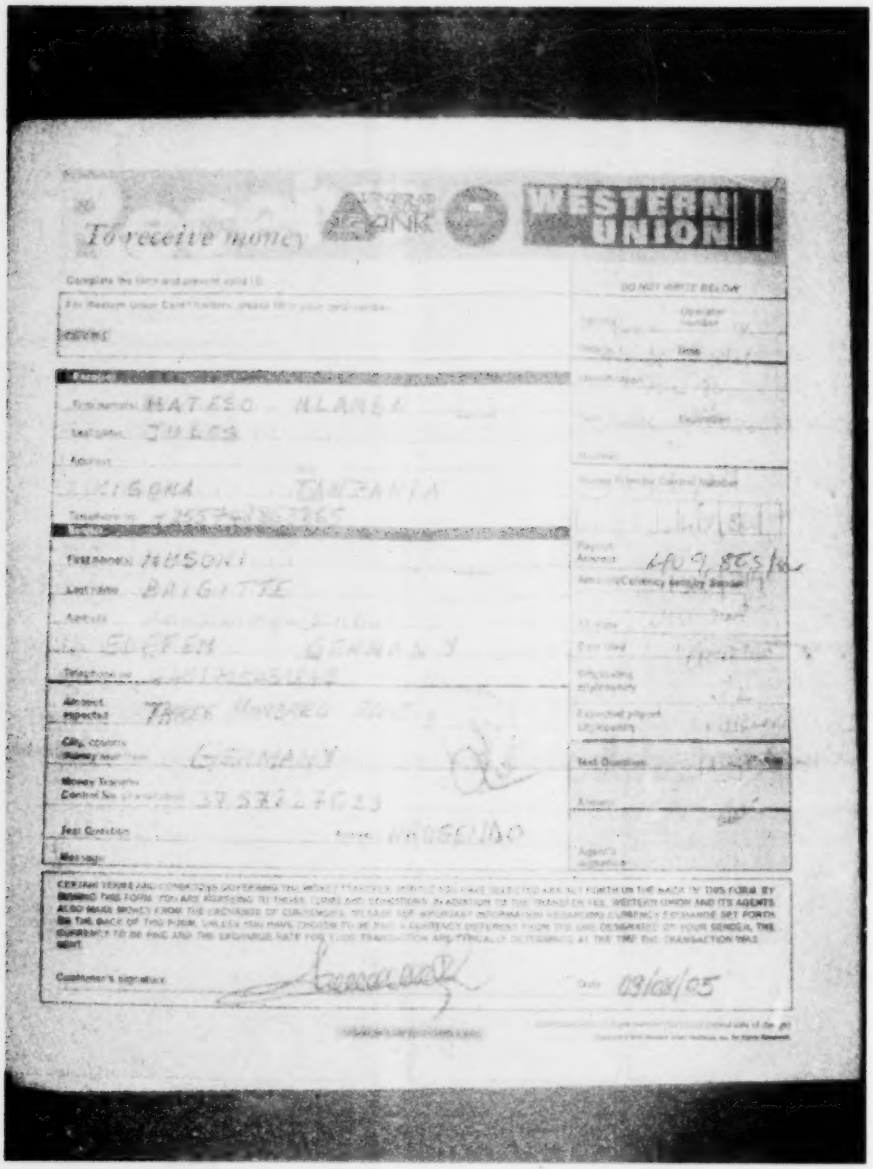
Copies of two different money transfers made by Mr. Shamavu and his son in Bukavu to Mr. Nzita and his wife in Germany on 4 June 2008





Annex 20

Copy of a Western Union transfer made in August 2005 by Brigitte Musoni to Jules Mateso Mlamba, the alias of General Stanislas Nzeyimana (also known as Bigaruka)



Annex 21

List of the FDLR diaspora members known as the most influential international leaders and coordinators

1. Ignace Murwanashyaka, FDLR President (Germany)
2. Callixte Mbarushimana, FDLR Executive Secretary (France)
3. Straton Musoni, FDLR Vice-President (Germany)
4. Colonel Protais Mpiranya, affiliated to FDLR and RUD (Zimbabwe/Sudan/?)
5. General Aloys Ntiwirigabo, affiliated to FDLR and RUD (Sudan/Democratic Republic of the Congo/Kenya)
6. Colonel Sylvestre Sebahinzi (alias Zinga Zinga), former military prosecutor (Zambia)
7. General Faustin Ntirinka, linked to RUD (France)
8. Hyacinthe Rafiki Nsengiyumva (alias John Muhindo) RUD leader (Kinshasa, Democratic Republic of the Congo)
9. Gérard Rucira, FDLR Finance Commissioner (Lubumbashi, Democratic Republic of the Congo)
10. Elodie Mukashema, FDLR liaison officer (Lubumbashi, Democratic Republic of the Congo)
11. Emmanuel Nyamuhimba, RUD Defense Commissioner (Brazzaville)
12. Jean Marie Vianney Higiro, RUD President (Boston, United States of America)
13. Felicien Kanyamibwa, RUD Executive Secretary (New Jersey, United States of America)
14. Emmanuel Munyaruguru, linked to RUD and FDLR (Norway)
15. Anastase Munyandekwe, former FDLR spokesman (Belgium/United Republic of Tanzania/?)

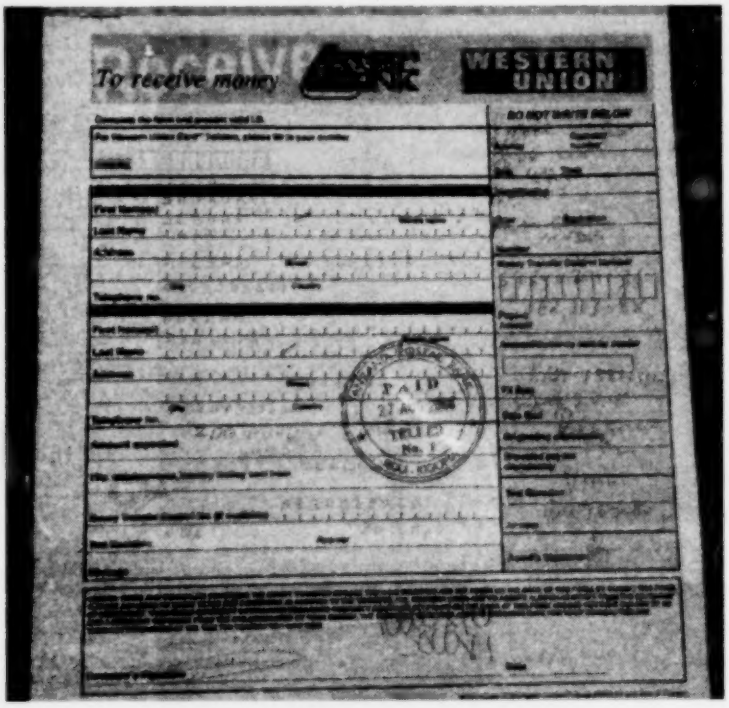
Annex 22

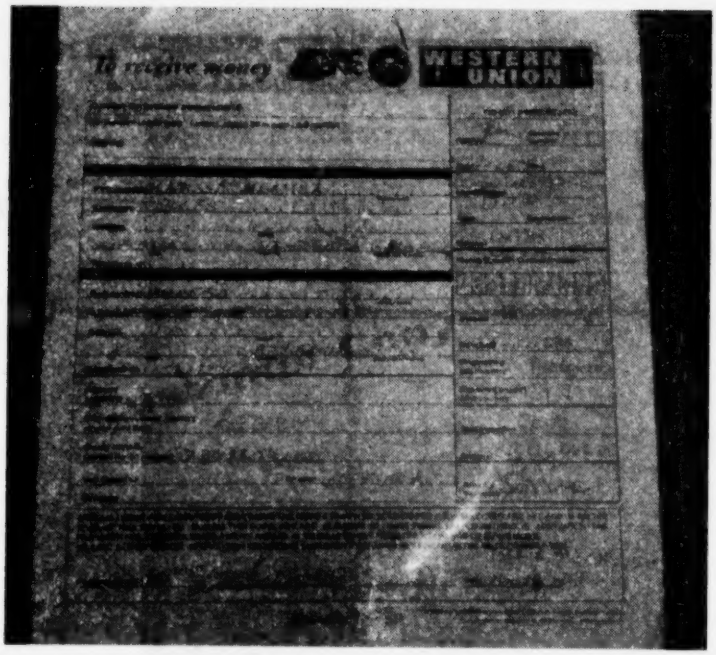
Frequency and duration of calls made and received on the satellites telephones used by the FDLR Military Command, known to the Group, between September 2008 and August 2009

Country	*Number of communications*	*Overall duration (seconds)*	*Percentage of communications*	*Percentage duration*
Belgium	351	7 846	14.1	10.2
Bolivia (Plurinational State of)	1	618	0.0	0.8
Burundi	1	123	0.0	0.2
Cameroon	3	1 026	0.1	1.3
Colombia	2	302	0.1	0.4
Congo	152	5 357	6.1	6.9
Côte d'Ivoire	8	1 994	0.3	2.6
Finland	1	12	0.0	0.0
France	99	8 688	4.0	11.2
Germany	258	15 116	10.4	19.6
Italy	20	1 169	0.8	1.5
Kenya	20	774	0.8	1.0
Malawi	3	0	0.1	0.0
Morocco	1	964	0.0	1.2
Mozambique	20	3 050	0.8	3.9
Netherlands	47	4 341	1.9	5.6
Norway	103	4 044	4.1	5.2
Rwanda	57	5 927	2.3	7.7
South Africa	68	182	2.7	0.2
Spain	5	254	0.2	0.3
Sweden	4	0	0.2	0.0
Thailand	2	1 187	0.1	1.5
Uganda	650	7 399	26.1	9.6
United Arab Emirates	6	1 190	0.2	1.5
United Kingdom	3	312	0.1	0.4
United Republic of Tanzania	572	3 042	23.0	3.9
United States of America/Canada	10	1 696	0.4	2.2
Zambia	25	663	1.0	0.9
Total	**2 492**	**77 276**		

Annex 23

Western Union receipts showing transfers of money from Mr. Murego (a former officer in the FAR) to General Bigaruka and his wife "Debora Shukuru"




To receive money
WESTERN UNION

To receive money
WESTERN UNION MONEY TRANSFER

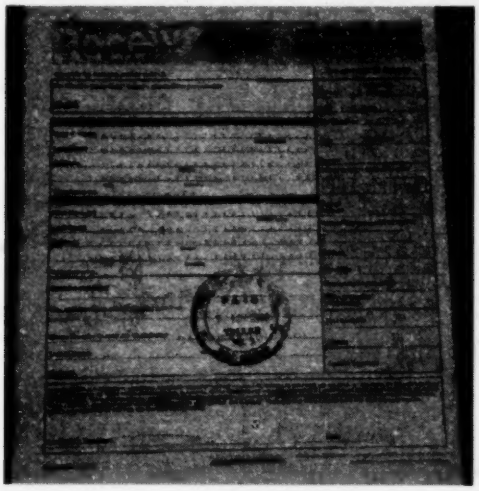
Annex 24

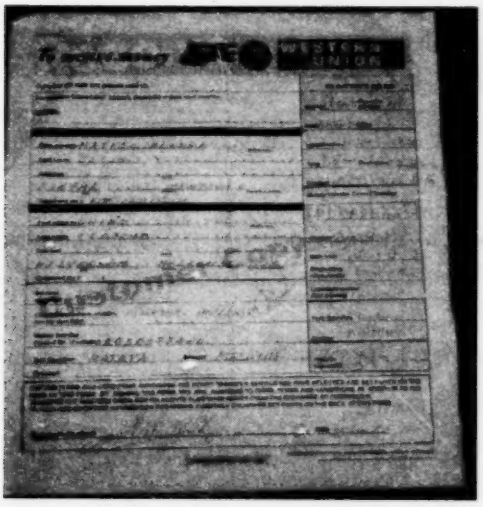
Records of Western Union transfers made by Gerard Hakizimali and Felicien Kanyamibwa to a RUD liaison officer known as Augustin Ndondo Shabade in North Kivu. This information has been obtained through a Government entity. The Group has archived the exact reference numbers for each of these transfers.

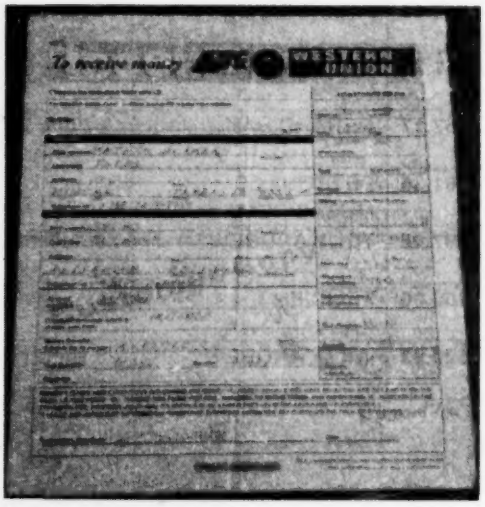
Amount US	SName	Send Date	SCity	SState	PName
100.00	FELICIEN KANYAMIBWA	3 October 2008	FAIR LAWN	New Jersey, USA	NDONDO SHABADE
85.00	JEAN CLAUDE MANIRAKIZA	17 April 2006	NGOZI	Burundi	NDONDO SHABADE
500.00	STEVE SCOTT	17 March 2007	FAIR LAWN	New Jersey, USA	NDONDO SHABADE
312.51	GERARD NTASHAMAJE	8 March 2007	PIRONCHAMPS	Belgium	NDONDO SHABADE
2 000.00	FELICIEN KANYAMIBWA	25 August 2007	FAIR LAWN	New Jersey, USA	NDONDO SHABADE
146.85	GERARD HAKIZIMALI	16 August 2008	NIEUWERKERKEN AALST	Belgium	NDONDO SHABADE
203.83	JOHN NDIYO	3 March 2007	MONCTON	New Brunswick, Canada	NDONDO SHABADE
847.77	WILLY TOBY	29 August 2007	FREDERICTON	New Brunswick, Canada	NDONDO SHABADE
250.00	STEVE SCOTT	16 November 2008	FAIR LAWN	New Jersey, USA	NDONDO SHABADE
847.77	WILLY TOBY	29 August 2007	FREDERICTON	New Brunswick, Canada	NDONDO SHABADE
157.17	GERARD HAKIZIMALI	26 June 2008	NIEUWERKERKEN AALST	Belgium	NDONDO SHABADE
61.35	PETRONILLE MUSABIREMA	30 July 2007	AVERBODE	Belgium	NDONDO SHABADE
397.06	TONY ANDREWS	30 August 2007	WOODSTOCK	New Brunswick, Canada	NDONDO SHABADE
100.00	FELICIEN KANYAMIBWA	15 August 2008	FAIR LAWN	New Jersey, USA	NDONDO SHABADE
529.93	WILLY ANDREWS	28 December 2007	FREDERICTON	New Brunswick, Canada	NDONDO SHABADE

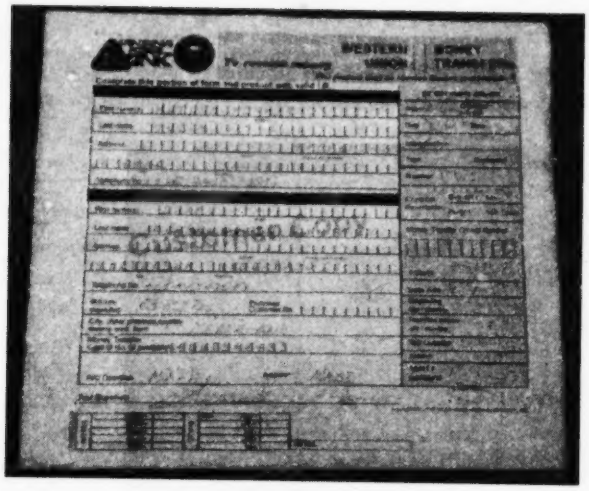
Annex 25

Receipts of Western Union transfers from Mr. Iyamuremye to Bigaruka's wife, and receipts of transfers to Bigaruka and his wife's priest, Paul Riwa, by Clement Shimo, a resident of Hilversum, the Netherlands



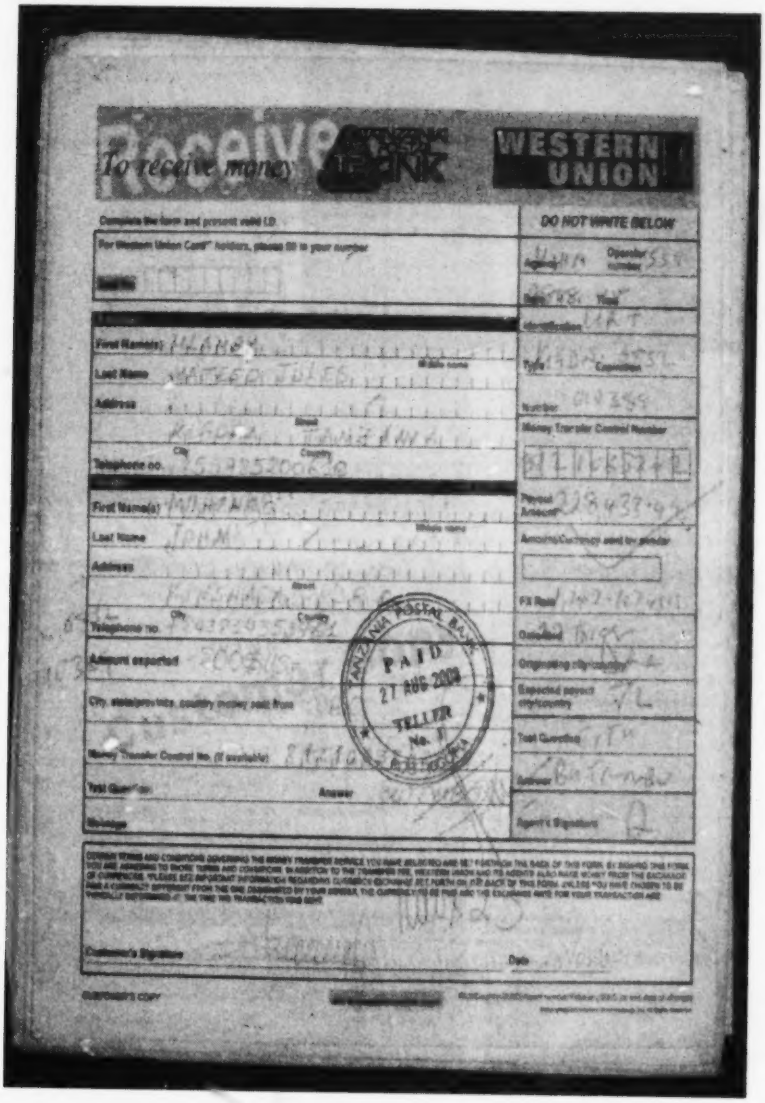






Annex 26

Western Union transfer showing John Muhindo in Kinshasa sent $200 via Western Union to General Bigaruka in May 2008



Annex 27

Summary of the Western Union transfers obtained by the Group that were sent directly or indirectly to Bigaruka by FDLR supporters

Date	*Sender*	*Sender's country*	*Recipient*	*Recipient's country*	*Amount*
25/5/2008	Henry Kambale	Kinshasa	Mlamba Jules Mateso	Kigoma, Tanzania	50 USD
9/8/2005	Brigitte Musoni	Euffen, Germany	Mlamba Jules Mateso	Kigoma, Tanzania	300 Euros
8/4/2008	Petronilla Mukamana	Lusaka	Debora Shukuru	Kigoma, Tanzania	60 USD
29/1/2005	Benjamin Ntihinyurwa	Boras, Sweden	Mlamba Jules Mateso	Kigoma, Tanzania	70,000 Tz Sh
21/1/2008	Paluku Tsotso	Butembo, Democratic Republic of the Congo	Debora Shukuru	Kigoma, Tanzania	128 USD
2/12/2005	illegible	Maputo	illegible	Kigoma, Tanzania	100 USD
25/1/2004	Clement Shimo	Hilversum, Holland	Mlamba Jules Mateso	Kigoma, Tanzania	40,000 Tz Sh
5/1/2005	Justin Nsengiyumva	Douala, Cameroon	Mlamba Jules Mateso	Kigoma, Tanzania	50 USD
3/6/2005	Jacqueline Mukamurenzi	Canada	Paul Riwa	Kigoma, Tanzania	212,090 Tz Sh
24/4/2008	Paluku Tsotso	Butembo, Democratic Republic of the Congo	Debora Shukuru	Kigoma, Tanzania	120,923 Tz Sh
18/3/2008	Ladini Bambu	Brazzaville, Congo	Debora Shukuru	Kigoma, Tanzania	119,129 Tz Sh
19/7/2006	Karamba Tambite	Butembo, Democratic Republic of the Congo	Mlamba Jules Mateso	Kigoma, Tanzania	100 USD
2/8/2005	Eugenie Gato	Mons, Belgium	Debora Shukuru	Kigoma, Tanzania	50 Euro
14/7/06	Isaac Kahumba	Bukavu, Democratic Republic of the Congo	Mlamba Jules Mateso	Kigoma, Tanzania	100 USD
12/7/2006	Karamba Tambite	Butembo, Democratic Republic of the Congo	Mlamba Jules Mateso	Kigoma, Tanzania	100 USD
30/7/2006	Pierre Claver Mupendana	Cotonou, Benin	Mlamba Jules Mateso	Kigoma, Tanzania	187,000 Tz Sh
15/2/2006	Manasse Ntawubizera	Mons, Belgium	Debora Shukuru	Kigoma, Tanzania	47,794 Tz Sh
9/6/2008	Iyamuremye Balthasar	Belgium	Debora Shukuru	Kigoma, Tanzania	50 USD
28/12/2004	Faustin Murego	Brussels, Belgium	Mlamba Jules Mateso	Kigoma, Tanzania	100 USD
26/1/2006	Anastase Munyandekwe	Brussels, Belgium	Mlamba Jules Mateso	Kigoma, Tanzania	645,400 Tz Sh
12/6/2006	Anastase Munyandekwe	Brussels, Belgium	Edson Bashimbe	Kigoma, Tanzania	247,017 Tz Sh
5/6/2006	Anastase Munyandekwe	Brussels, Belgium	Edson Bashimbe	Kigoma, Tanzania	375,832 Tz Sh
13/6/2008	Manasse Ntawubizera	Belgium	Debora Shukuru	Kigoma, Tanzania	69,724 Tz Sh
9/10/2007	Paluku Tsotso	Butembo, Democratic Republic of the Congo	Debora Shukuru	Kigoma, Tanzania	100 USD
28/4/2008	Petronilla Mukamana	Lusaka	Debora Shukuru	Kigoma, Tanzania	85 USD
28/8/2008	Faustin Murego	Brussels, Belgium	Debora Shukuru	Kigoma, Tanzania	100 Euro
1/12/2004	Haeve Skinner	London, United Kingdom	Debora Shukuru	Kigoma, Tanzania	98,117 Tz Sh
8/7/2006	Pierre Claver Mupendana	Cotonou, Benin	Mlamba Jules Mateso	Kigoma, Tanzania	95,522 Tz Sh
16/2/2006	Pierre Claver Mupendana	Cotonou, Benin	Mlamba Jules Mateso	Kigoma, Tanzania	103,472 Tz Sh
22/7/2008	Clement Shimo	Hilversum, Holland	Paul Riwa	Kigoma, Tanzania	65,985 Tz Sh

Date	*Sender*	*Sender's country*	*Recipient*	*Recipient's country*	*Amount*
7/5/2008	Jeannot Muloba	Goma, Democratic Republic of the Congo	Debora Shukuru	Kigoma, Tanzania	100 USD
21/4/2005	Jacqueline Mukamurenzi	Canada	Debora Shukuru	Kigoma, Tanzania	69,970 Tz Sh
21/2/2005	Justin Nsengiyumva	Douala, Cameroon	Mlamba Jules Mateso	Kigoma, Tanzania	26,000 FCFA
13/7/2004	Clement Shimo	Hilversum Holland	Mlamba Jules Mateso	Kigoma, Tanzania	132,160 Tz Sh
30/5/2008	Mlamba Jules Mateso	Bukavu, Democratic Republic of the Congo	Debora Shukuru	Kigoma, Tanzania	200 USD
18/7/2007	Manasse Ntawubizera	Mons, Belgium	Mlamba Jules Mateso	Kigoma, Tanzania	53,058 Tz Sh
8/1/2008	Paluku Tsotso	Democratic Republic of the Congo	Debora Shukuru	Kigoma, Tanzania	35 USD
28/5/2008	John Muhindo	Kinshasa	Mlamba Jules Mateso	Kigoma, Tanzania	200 USD
10/6/2004	Clement Shimo	Hilversum, Holland	Mlamba Jules Mateso	Kigoma, Tanzania	66,334 Tz Sh
22/4/2004	Faustin Murego	Belgium	Mlamba Jules Mateso	Kigoma, Tanzania	105,448 Tz Sh
2/6/2004	Benjamin Ntihinyurwa	Sweden	Mlamba Jules Mateso	Kigoma, Tanzania	109,000 Tz Sh
6/9/2004	Faustin Hategekimana	Ohio, United States	Mlamba Jules Mateso	Kigoma, Tanzania	100 USD
24/8/2004	Clement Shimo	Hilversum, Holland	Mlamba Jules Mateso	Kigoma, Tanzania	63,855 Tz Sh

Annex 28

List of participants at the inter-Rwandan dialogue 2009. Mr. Casoliva's name appears in the list of the "Observers" along with Mr. Pere Sampol. Mr. Carrero's name is also contained in the document as "Facilitator".

Declaration of the Intra-Rwandese Dialog: DIR'2009 (representative Edition)

Met at Palma of Mallorca – Spain from April 30 to May 3, 2009 in the framework of the Intra-Rwandese dialog, 2009 representative edition.

After reviewing and approving the declarations of the Germany – Belgium – Holland, Canada – United States of America, France – Italy Platforms of Dialogue held in 2007, as well as the Platforms of Dialogue of Women and Democratic Republic of Congo (DRC) in 2008.

The representatives of these Platforms of Dialogue that include people of Hutu, Tutsi and Twa's ethnic background, with the participation of some Congolese, thank the government and the Spanish Parliament for their continuous supports to seeking security and lasting peace in the African Great Lakes region and particularly in Rwanda.

Considering various analysis results and the current prevailing situation in the region, resolutions and recommendations drawn in the DIR'04, DIR'06, DIR'07 and DIR'08 editions, the participants recommend:

1. **Mobilizing and deploying all possible means for holding a Highly Inclusive Inter-Rwandese Dialog** (HIIRD), with the participation of observers, before the scheduled elections on 2010. This HIIRD, in which would participate the different representatives of the Civil Society and Political Parties from inside and outside Rwanda, is the only adequate framework for establishing a fresh environment of trust between the ethnic groups and essential to the effective reconciliation, peace and sustainable development in the Great Lakes region of Africa. This is why the themes of discussion did include among others:

The identity crisis of Rwandans and the setting of a team of experts, independent historians to write history of Rwanda that can serve as a basis of all chronological events that occurred in Rwanda.

The guarantees necessary to reassure and ensure security for all the components of the Rwandese Society.

- The setting of an impartial and equitable justice for all the victims of crimes committed in the region, as well as the introduction of a collective memory that doesn't exclude any of the victims.

The creation of a Truth and Reconciliation commission.

The problem of social equity and of equal opportunities.

The setup of an independent mechanism of promotion, protection and control of human rights.

The women and education roles in the conflict prevention.

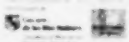
The respect of the national sovereignty of countries from the region, the good neighbor relationship of countries and of peaceful cohabitation.

The economic transnational development projects and the free movement of persons and goods in the region.

2. While awaiting the setting of HIIRD, the Rwandese Civil Society, the youth and women organizations, as well as the political parties must mobilize themselves to pursue activities that are within their attributions in order to restore the rule of law in the countries from the sub-region where democracy, equitable justice and equal opportunities can prevail.

Considering the humanitarian disaster that the populations undergo in the Eastern of DRC and the criminal responsibility of the Rwandese regime and armed groups in this catastrophe, the participants ask the international community to deploy all efforts to help resolve the Rwandan contentious issue that is at the core of the recurrent conflicts in the region. The participants recommend setting up a framework Rwanda-Congolese to analyse together the urgent ways to contribute in resolving this situation.

The participants renew their thanks and gratitude to the organizers, more particularly Juan Carrero, Irma Rognoni and Jordi Palou and their assistants for the efforts and the incurred sacrifices to accompany the Rwandans in the quest of efficient solutions through an Inter-Rwandan Dialog and an effective reconciliation. The participants congratulate more particularly the organizers to have succeeded in bringing together around one table, people of Hutu, Tutsi, Twa's ethnic background and Rwandese from all regions so that each can bring



forward his or her points of view and propose concrete solutions that could reassure and ensure security in him or her.

The participants thank also the observers and friends of Rwanda for their contributions to the works and engagements that they have taken in continuing to help the Rwandese people on the path of a Dialog.

The participants thank very deeply the Government of the Baleares Islands for their warm hospitality and all their assistance that contributed to the success of our works.

PARTICIPANTS DIR'09:

Bagirimvano, Monique; Bucyeduseng, Germaine; Gatabazi, Tite Tutikanga; Kabanda, Celestin; Kanyamibwa, Jacques; Kanyarushoki, Claver; Karangwa Bemushi, Gerard; Kayombya, Jean Damascène; Kayumba, Claver; Lwiyando, Donzia; Makuza, Victor; Marara, Christian; Matata, Joseph; Muhawenimana, Chantal; Mujawayezu, Spéciose; Mukasahoma, Esperance; Munyurangabo, Jeanne d'Arc; Ndagijimana, Jean-Marie; Ndayisaba, Elysée; Ndereyaho, Charles; Njila, Henri; Ntinamubanzi, Pierre Claver; Numubeza, Marie Lyse; Ntaganzwa, Jean Damascène; Nyirankuliza, Spéciose; Rwasamanzi, Jean Paul; Twagiramungu, Noel; Umuhoza, Victoire; Uwimana, Clémence Zakiya.

OBSERVERS DIR'09:

Azparren, José Eugenio; Castéliva, Joan; De Beule, Christiaan; Dekker, Nicolaas; Florensa, Mª Teresa; Gomariz, Manel; Koetsier, Nelly; Martinez, Waldina; Parada, Imma; Sampol, Pere; Spoon, Martine ; Vicens, Bernat ; Vicente, Eva ; Voicsin, Susana.

FACILITATORS DIR:

Carrero, Juan; Palou, Jordi; Rognoni, Irma.

Annex 29

Extract from the 2008 annual report of the Fons Mallorquí de Solidaritat i Cooperació detailing the funding of the Fundació S'Olivar initiative in support of the prosecution of officials of the Rwandan Patriotic Front through the Spanish courts. Between 2001 and 2008, Fundació S'Olivar received nearly €200,000 for such activities.

PAU AL COR D'ÀFRICA PEL DIÀLEG, LA VERITAT I LA JUSTÍCIA

El 2002 el Fons Mallorquí va iniciar el suport a la Querella contra els responsables de crims contra la humanitat en la regió dels Grans Llacs Africans. El 2005 va ser presentada i acceptada a l'Audiència Nacional, i després de tres anys s'han emès 40 ordres de cerca i captura internacional contra la cúpula político-militar de l'Armée Patriotique Rwandaise / Front Patriotique Rwandais, a la qual s'han imputat crims de genocidi, contra la humanitat i crims de guerra, entre d'altres. Aquest any s'han celebrat 5 edicions del Diàleg InterRwandès - DIR. Les accions i els resultats han estat nombrosos, entre els darrers, cal destacar el suport de tots els grups parlamentaris del Congrés de Diputats de l'Estat espanyol. Es preveu continuar el suport a la tasca de la justícia espanyola i l'enfortiment del procés del DIR.

Projecte 2008/24

Entitat: Fundació s'Olivar

País: Rwanda
Zona: Grans Llacs
Beneficiaris: Població general
Sector: Drets humans i democràcia

Aportació FONS: 60.000,00 €

Details of the donations received by Inshuti in 2007 from Manresa (located in Barcelona Province, Spain) City Council. Extract from the Manresa City Council 2007 annual report

INSHUTI	**Beques per a estudiants de secundària a Ruli. (Rwanda)** Contrapart: Germanes Dominiques a Ruli **Àmbit**: Educació **Descripció**: Les conseqüències de la guerra i la problemàtica de la SIDA, entre d'altres factors, marquen que la majoria de població visqui en situació de pobresa. En aquest context, el fet que l'educació no sigui gratuïta dificulta l'escolarització d'infants i joves, creant una perpetuació de manca d'oportunitats, així com provocant que faltin persones formades per portar a terme tasques educatives. El projecte beca a 30 nois i noies en temes Ciències humanitàries, en una escola creada per una associació de pares i mares per tal que els seus fills i filles no hagin de marxar de la zona per poder seguir estudis. S'espera que part d'aquests joves puguin en un futur ser mestres. Es contempla que les persones becades retornin el benefici obtingut tant en diners (quan treballin) o en treball voluntari, no s'especifica de quin tipus.	6.750 € Total del projecte 9.000 €	6.750 €
INSHUTI Amics dels pobles de Rwanda, Burundi i el Congo	**Acollida i educació de nens de carrera a Kigoma. (Tanzània)** Contrapart: Maendeleo Youth Centre **Àmbit**: Construcció i dotació d'un equipament per a l'atenció d'infants en risc, amb especial priorització de nens i nenes amb discapacitats mentals. **Descripció**: La ubicació de Kigoma suposa que es concentrin a la zona diferents camps de refugiats amb la conseqüent vulnerabilitat personal i familiar. Les dificultats s'agreugen quant alguna persona pateix discapacitats físiques i / o mentals, ja que es dona encara una forta estigmatització social. Aquesta discriminació més les dificultats estructurals, provoquen que hi hagi un elevat número d'infants i joves de carrer en una situació de fort desemparament. La contrapart fa temps que acull diferents persones amb aquestes dificultats, el 2005 va començar a funcionar una casa d'acollida, però l'alta demanda ha fet plantejar crear un segon equipament que doni resposta a la situació. L'objectiu és poder acollir i educar 20 infants entre 8 i 18 anys.	17.588€ Total del projecte 23.450€	10.666 euros

Cicle Memorial Flors Sirera (desè aniversari) Els diferents actes anaven acompanyats d'exposicions fotogràfiques i de pintura (les trobareu especificades en l'apartat d'exposicions	19/01/07	Llum per la PauEncesa d'espelmes, animació infantil i batucada	Comissió memorial Flors Sirera (entitats del CMS), Justícia i Pau, Metges del Món, Inshuti, Creu Roja	Plaça de Crist Rei	150	
	19/02/07	Llum per la Pau. Poemes musicats per artistes manresans (Manel Camp i Remenadeu)		Auditori Miquel Blanch del Conservatori Municipal de música		
	30/03/07	Justícia per al poble Rwandès. Presentació del llibre Joaquim Vallespi i taula Rodona		Sala d'actes del CASINO	80	
	10/04/07	Lluita contra la impunitat a l'Àfrica Central. Taula Rodona (amb l'Institut català Int per la Pau i el Fòrum de la Veritat per al poble Rwandès		Flors Sirera	200	

Annex 30

The Group has obtained the following two audio recordings of Jean Berchmans Ntihabose, an associate of Mr. Casoliva in Spain. The Group has also obtained documentation from the satellite telephone company used by FDLR showing that Mr. Ntihabose has been in contact several times with a satellite telephone controlled by the FDLR military leadership.

The audio recordings and telephone logs have been archived at the United Nations. The following transcripts represent translated excerpts from the conversations, which have been edited for the sake of length and to preserve source confidentiality. French is the original language; the translation into English has been made by the Group.

Translation of audio recording: Jean Berchmans Ntihabose and another individual on 10 July 2009.

Other individual: Hello?

Jean Berchmans: Hello.

Other individual: Is this the priest, Jean Berchmans?

Jean Berchmans: Yes, it's me.

Other individual: It is [redacted] on the line, we spoke yesterday.

Jean Berchmans: Ah yes, I remember.

<further conversation>

Other individual: Have you had any news from Mr. Casoliva?

Jean Berchmans: No, I have not called him. If you want I can call him and ask him for the information.

<further conversation>

Other individual: When I am in Spain, I can call you?

Jean Berchmans: With pleasure, with pleasure.

Other individual: It's possible that General Mudacumura will arrive for the meetings here.

Jean Berchmans: Ah, ok. But then you have been misinformed.

Other individual: Sorry?

Jean Berchmans: Well you have been misinformed then.

Other individual: Why?

Jean Berchmans: That is to say you said the meetings would be in Bujumbura, but once you arrived there, there was nobody there.

Other individual: Yes, but it's possible they already left for Gitega or Uvira, I can't be sure.

Jean Berchmans: That's the problem. These things happen in secret so nobody can inform you very well. That's the problem.

Other individual: Nevertheless, I am very happy that General Mudacumura will arrive, it will be a very good thing. Everything that is happening in the east of Congo, is really a waste.

Jean Berchmans: Really, really, it's very painful, very painful.

Other individual: And so if I meet the General, can I say to him that I know you, Jean Berchmans?

Jean Berchmans: Yes, yes, yes.

Other individual: He's in regular contact with you, isn't that right?

Jean Berchamns: No, no, no. It's someone who is with him who is contact with me. There is a colonel who is in contact with me.

Other individual: So he passes his messages through the colonel?

Jean Berchmans: Yes, yes, yes, yes, yes. So I am in contact with the colonel, so I speak with the colonel.

<further conversation>

Jean Berchmans: Perhaps you could speak to Kanyamibwa, he probably knows where this meeting is happening.

<end>

Retranscription: Conversation téléphonique entre Jean Berchmans Ntihabose et un autre individu en date du 10 juillet 2009

Jean Berchmans: Bonjour.

Autre individu: Bonjour. Est-ce que c'est l'abbé Jean Berchmans?

Jean Berchmans: Oui, c'est moi.

Autre individu: Ici, c'est [redacted] on s'est parlé hier.

Jean Berchmans: Oui, oui, je me rappelle que le matin vous m'avez appelé.

<suite de la conversation>

Autre individu: Vous n'avez pas eu des nouvelles de M. Casoliva?

Jean Berchmans: Non non, je ne l'ai pas appelé. Si vous voulez je peux l'appeler alors lui demander les informations.

<suite de la conversation>

Autre individu: Certainement, quand je serai en Espagne je peux vous contacter?

Jean Berchmans: Oui, oui oui, vraiment avec plaisir. Avec plaisir.

Autre individu: On m'a dit aussi que c'est possible que le General Mudacumura arrive pour la réuion ici.

Jean Berchmans: On vous a mal informé alors.

Autre individu: Pourquoi?

Jean Berchmans: Donc, c'est à dire vous dire que la réunion était à Bujumbura et arrivé là il n'y avait personne.

Autre individu: Oui, oui c'est ça. Je pense qu'ils ont déjà quitté pour Gitega ou Uvira. Je ne suis pas sûr.

Jean Berchmans: Ah, donc le problème c'est que ces choses-là se passent au secret alors personne ne peux pas vous informer très bien. C'est ça le problème.

Autre individu: C'est ça le problème. Mais je suis très ravi d'entendre que le General Mudacumura arrive aussi. Ça serait une bonne chose, tout ce qui se passe dans l'est du Congo c'est vraiment un perte.

Jean Berchmans: Oui oui, vraiment, c'est très douloureux. Très douloureux.

Autre individu: Peut-être, si je rencontre le Général, est-ce que je peux dire à lui que je connais l'abbé Jean Berchmans, comme ça ... parce que lui il est en contact avec vous régulièrement n'est-ce pas?

Jean Berchmans: Non, non, donc c'est quelqu'un qui est avec lui qui est en contact avec moi. Il y a un colonel qui est en contact avec moi.

Autre individu: Lui il passe le message par ce colonel.

Jean Berchmans: Oui, oui oui oui oui. Donc on est en contact avec le colonel, donc on se raconte, on se raconte ... on se parle avec le colonel.

<suite de la conversation>

Autre individu: Merci abbé.

Jean Berchmans: Ou bien vous pouvez appeler à Kanyamibwa, peut-être qu'il est très bien informé pour vous dire ou se trouve la réunion, où avec qui vous pouvez vous mettre en contact.

<fin>

Translation of audio recording: Jean Berchmans Ntihabose and another individual on 14 July 2009

Jean Berchmans: Good evening?

Other individual: Good evening, it's __ here, I'm sorry the line cut there.

Jean Berchmans: Ah ok. Did you meet Mudacumura?

Other individual: No ...

<further conversation>

Jean Berchmans: I have not yet asked anything from Casoliva, he knows these people well. So your people are credible.

Other individual: They also mentioned a certain Brother Stan (Mr. Goetschalckx – ed). They said Brother Stan and Casoliva give a good amount of money. I have confidence in your opinion ...

Jean Berchmans: Yes Casoliva, he helps, he was with Brother Stan of the Brothers of Charity of Kigoma. He is in collaboration, in communication with Brother Stan at Kigoma.

Other individual: And so it's them who organize the financing down there?

Jean Berchmans: Yes, it's them who organize the financing down there. That's to say, well, if you want to leave your phone number I can contact you tomorrow? It could be easier for you.

Other individual: Ok, ok, it's fine. But how do they do this from Kigoma? Do the FDLR go down themselves, in order to receive money from Stan they travel to Kigoma, is that right?

Jean Berchmans: Yes, that's what I have heard being said. That's what I have heard being said. That's to say that Casoliva and Stan, the Brothers of Charity, they are in connection with those men there, but these things are very secret.

Other individual: Ah, it is secret?

Jean Berchmans: That's very secret. They would not want to just speak to anybody. So to say, I will try and speak to Casoliva, he could give the right information.

<further conversation>

Other individual: So it's the military guys of the FDLR who meet up with Casoliva? So it's the movement itself, it's not intermediaries, it's the military officials?

Jean Berchmans: Yes, yes. It's the military, they are trying to survive, really.

Other individual: That's it, that's it. It's very painful, very painful.

Jean Berchmans: It's very painful because they massacred their families. They massacred their families there in Congo, because me as well I lived there for two years.

Other individual: I see, I see.

Jean Berchmans: In the forest. That's to say, it's terrible, I understand their suffering.

Other individual: Yes, that's it, that's it. But do you know which kind of people go themselves down there, which of the military are most frequently down there?

Jean Berchmans: The actives ones? They change their names, so you can never tell. They change their names so that there are no leaks or anything like this. They send people with codes, with whatever, so it's not easy to know.

Other individual: That's it, that's it. And so they receive dollars down there?

Jean Berchmans: Yes, yes, yes, yes, yes, they receive dollars.

<further conversation through end>

Retranscription: Conversation téléphonique entre Jean Berchmans Ntihabose et un autre individu en date du 14 juillet 2009

Jean Berchmans: Bon soir.

Autre individu: Bon soir, c'est ____ ici. Je m'excuse, la ligne a coupé.

Jean Berchmans: Vous avez pu voir Mudacumura?

Autre individu: Non ...

<suite de la conversation>

Jean Berchmans: Je n'ai rien premièrement demandé à Casoliva. Ils connaissent bien ces gens, ils sont crédibles, quoi.

Autre individu: Ils ont mentionné aussi un certain frère Stan (Mr. Goetschalckx — ed) à Kigoma, et ils ont dit que frère Stan et Casoliva donnent suffisamment d'argent. Mais j'ai la confiance en votre avis ...

Jean Berchmans: Oui Casoliva, il aide, il était avec Frère Stan, Frère Stan donc des Frères de la Charité de Kigoma. Il est en collaboration, en communication avec Frère Stan.

Autre individu: Et c'est eux qui organisent le financement là-bas?

Jean Berchmans: Oui, oui, c'est eux qui organisent le financement là-bas. C'est à dire ... si vous me laissez votre numéro de téléphone peut-être demain je pourrai vous contacter. Ce serait plus simple pour vous.

Autre individu: Ok, ok, ça va. Mais comment ils peuvent faire ça au niveau de Kigoma ? Est-ce que les FDLR se rendent là-bas pour prendre de l'argent de Stan? Ils voyagent à Kigoma c'est ça?

Jean Berchmans: C'est ce que j'avais entendu dire. C'est à dire, Frère Stan, les Frères de la Charité, ils étaient en connexion avec ces hommes là. Mais c'est quelque chose d'ultra secret.

Autre individu: C'est secret?

Jean Berchmans: C'est ultra secret. Peut-être qu'ils ne peuvent pas, ou ils ne veulent pas parler avec n'importe qui. Donc, c'est à dire, je vais essayer de parler avec Casoliva qui pourra quand même me donner de bonnes informations.

<suite de la conversation>

Autre individu: Mais c'est vrai que les gens militaires de FDLR qui se rencontrent avec Casoliva? C'est le mouvement direct, ce ne sont pas des intermédiaires, c'est les militaires?

Jean Berchmans: Oui, donc ce sont des militaires. C'est un cas de survivre quoi. Ils sont en train de survivre.

Autre individu: Oui, c'est très douloureux, très douloureux, très douloureux.

Jean Berchmans: C'est très douloureux parce qu'on a massacré leurs familles là-bas au Congo. Moi aussi j'ai vécu là-bas deux ans. Dans la forêt, donc c'est à dire c'est pénible, je connais leur souffrances.

Autre individu: Et vous connaissez quels gens en particuliers qui arrivent là-bas. Quels militaires sont très fréquent à Kigoma avec Stan et Casoliva ...

Jean Berchmans: Très actifs. Donc ils ont changé leurs noms, ils ont changé leurs noms. Donc c'est à dire on ne peut pas les savoir. Ils ont changé leurs noms donc c'est à dire pour qu'il n'y ait pas de fuites, ils envoient des gens avec les codes, avec les quoi, donc ce n'est pas facile de le savoir.

Autre individu: Et là-bas ils reçoivent des dollars?

Jean Berchmans: Oui, oui oui oui oui, ils reçoivent des dollars.

<suite et fin de la conversation>

Annex 31

This annex shows an e-mail from Jean Berchmans Ntihabose acknowledging his link with Jean Berchmans Turikubwigenge, part of the RUD armed movement, and below that, a picture of Mr. Turikubwigenge wearing military fatigues and a religious cross. Mr. Ntihabose confirmed his e-mail account was *pasitoro@yahoo.es* during one of the audio recordings referred to in the previous annex. The Group has archived these and other original e-mails sent from Mr. Ntihabose's e-mail account.

[redacted]<[redacted]@gmail.com>

Support financier pour le mouvement

Thu, Oct 1, 2009 at 10:40 PM

Fernando <pasitoro@yahoo.es
To: [redacted]<[redacted]@gmail.com>

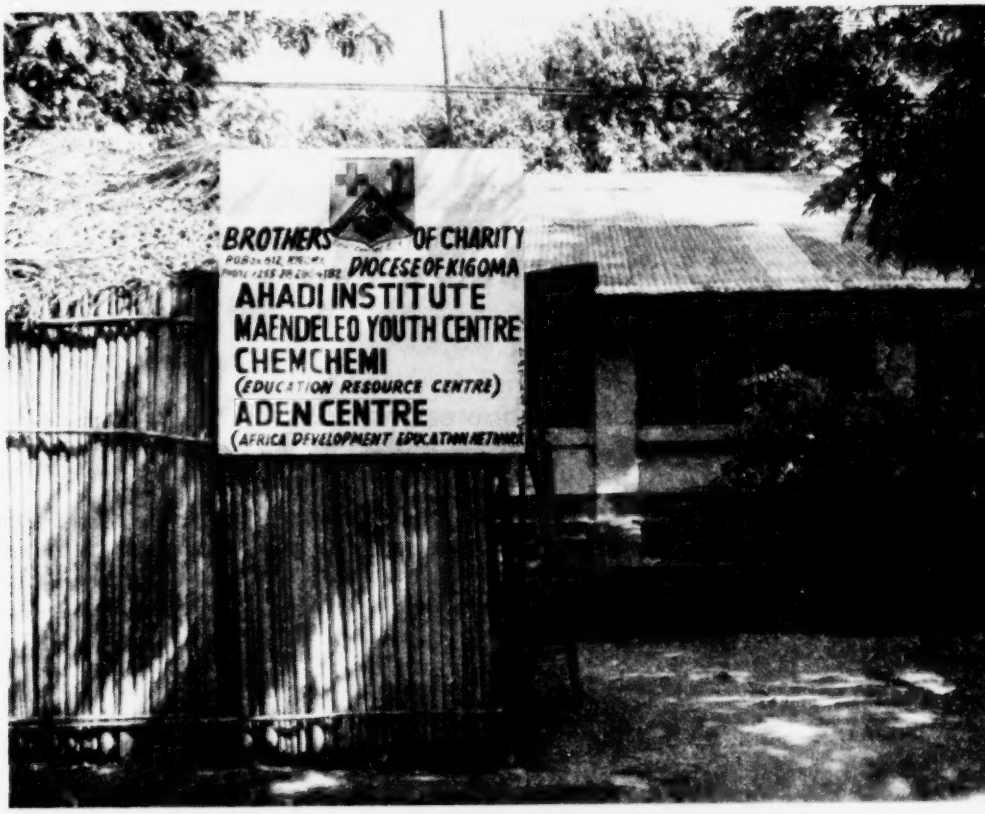
Non je ne suis pas l'Abbe Turikubwigenge,. Moi je suis Ntihabose Jean Berxchmans. Il est mon compagnon nous nous connaissons tres bien. Nous avons fait le grand seminaire ensemble. Lui il est en Italie moi je suis en España.

Nous nous changeons les informations.

A bientot.

Annex 32

Headquarters of the Brothers of Charity in Kigoma, United Republic of Tanzania

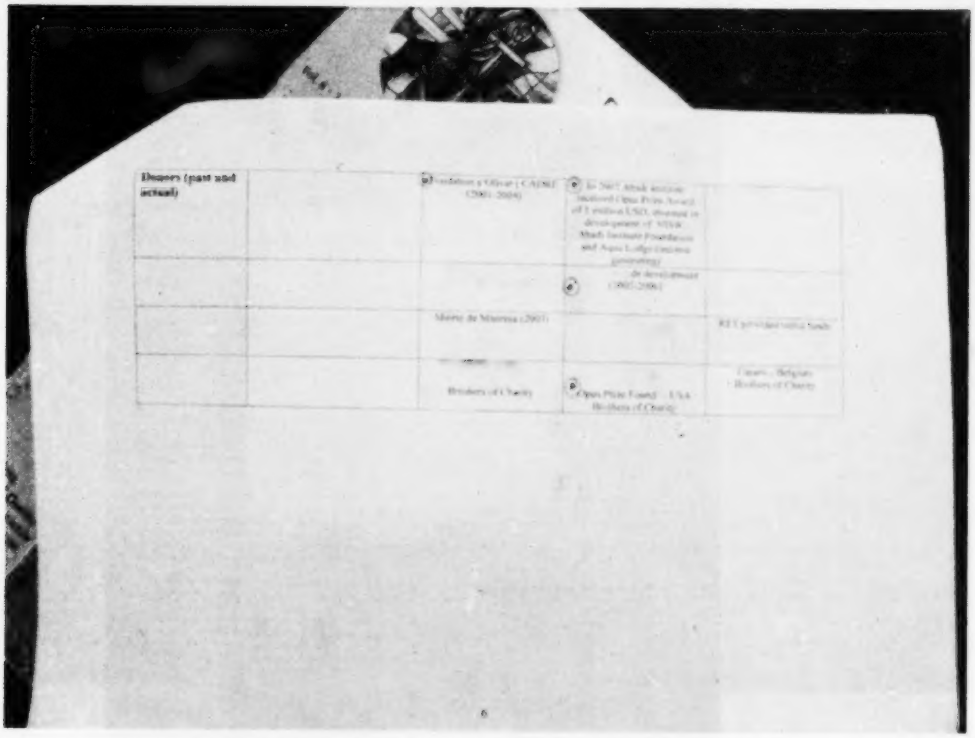


Annex 33

Text message received by the Group within a matter of minutes from a telephone number belonging to Mr. Goetschalckx, after having called Tanzanian numbers appearing in the telephone logs of FDLR General Stanislas Nzeyimana (alias Bigaruka)

Annex 34

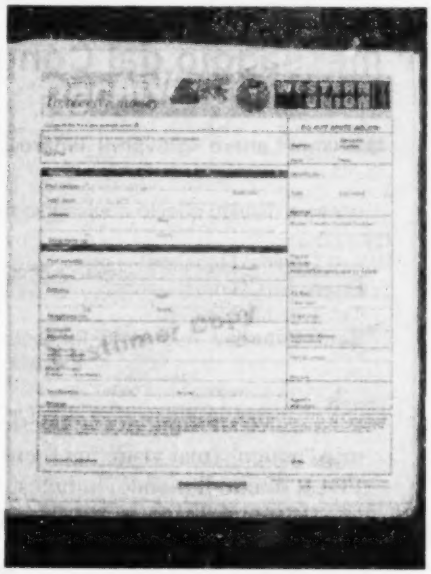
Extract from brochure received from Brothers of Charity and detailing received donations, including from Fundació S'Olivar over the past few years. Some of these donations were directed into a sister organization of the Brothers of Charity in Kigoma called the Ahadi Institute. The names of other donors have been deliberately blurred by the Group.

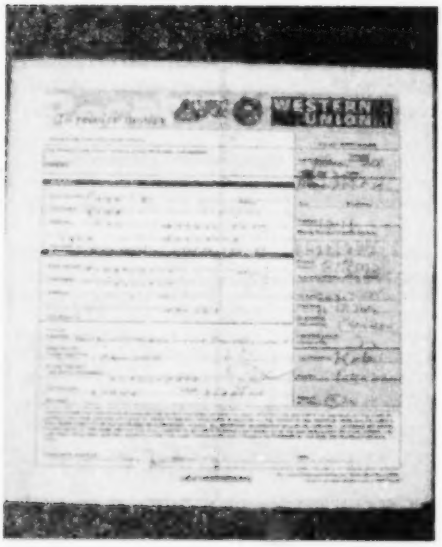


Donors (past and actual)				

Annex 35

Western Union receipts showing money transfers from Anastase Munyandekwe to the programme manager for the Ahadi Institute, Mr. Edison Bashimbe Nshombo, and from other members of the FDLR diaspora to Paul Riwa, a priest in Kigoma who has held prayer meetings with the wife of General Bigaruka and the wife of Mr. Bashimbe, who is understood to administer medical treatment to wounded FDLR in the region





Annex 36

E-mail correspondence from Pier Giorgio Lanaro referring to direct communications he has had with Ignace Murwanashyaka. The Group has censored the identity of the individual receiving these e-mails in the interests of source confidentiality.

[redacted] <[redacted] @gmail.com>

messaggio dal Congo

1 message

Giovanni Lanaro <giovanni_lanaro@fastwebnet.it> **Sat, Aug 8, 2009 at 4:27 PM**

ricevo e divulgo questo messaggio ricevuto oggi. Saluti da Giovanni

----- Original Message -----
From: Pier Giorgio Lanaro
To: 'Giovanni Lanaro'
Sent: Saturday, August 08, 2009 10:24 AM

Carissimi, ricevo questo messaggio datato il 5 agosto, recente quindi. Viene dal mio "amico" (mai visto, ma spero di vederlo un giorno), IgnaceM., il Presidente dei FDLR d tutto il mondo; quindi si tratta di un testo abbastanza autorevole. Penso valgala pena diffonderlo. Ciao. Un abbraccio.

Cher P.doc
36K

Annex 37

E-mail sent by Mr. Lanaro in which he explains that he has given direct support to FDLR in South Kivu on several occasions, notably on one occasion when he supplied $2,000 to a group of FDLR seeking refuge in mountainous regions of South Kivu. The Group has censored the identity of the individual receiving these e-mails in the interests of source confidentiality.

[redacted]<[redacted]@gmail.com>

(no subject)
1 message

Pier Giorgio Lanaro <piergiorgiolanaro@yahoo.fr> Sat, Aug 15, 2009 at 4:13 PM
To: [redacted] <[redacted]@gmail.com>

Carissimo,

<introductory remarks edited out>

Grazie di quanto stai facendo. Ti spedisco il messaggio che il Presidente Ignace mi ha inviato a tuo proposito; tu vedrai. Per l'invio del denaro sto pensando se non sia opportuno farlo attraverso la nostra Procura di Parma:da là essi potrebbero spedire il denaro al nostro economato di Bukavu e io lo potrei fare consegnare al mio amico Anicet – forse lo hai conosciuto attraverso le mie lettere- il futuro prete (spero), che vive a Bukavu e a cui anch'io faccio consegnare il denaro di cui dispongo (gli ho appena fatto consegnare 2000 dollari) per aiutare i nostri amici, quelli che direttamente ho potuto conoscere e che si trovano confinati in alto, proprio accanto ai tutzi dell'altipiano che da sempre sono stati i loro avversari, ma che in questo momento (è Anicet che mi scrive oggi stesso) pare siano indignati contro i loro colleghi rwandesi che li hanno abbandonati e defraudati…

<introductory remarks edited out>

Mio carissimo, la cosa più importante sarebbe, è, quella di informare l'opinione pubblica. Era il mio sogno con l'apertura di quel blog, un progetto che purtroppo non si è tradotto in realtà. A Novembre, quando ho visitato le autorità FDLR finalmente ero riuscito a convincerli, ma poi tutto è precipitato. Forse si accorgeranno che anche questa poteva essere une debole arma a loro favore. Pazienza.

<final remarks edited out>

Fraternamente nel Signore pg.

< remarks edited out>

[redacted]<[redacted]@gmail.com>

(no subject)

1 message

Pier Giorgio Lanaro <piergiorgiolanaro@yahoo.fr> **Sat, Sep 5, 2009 at 6:01 PM**

To: [redacted] <[redacted]@gmail.com>

Carissimo,

<introductory remarks edited out>

Vi manderò presto relazione, per quello che posso conoscere: sono notizie che ricevo da alcuni amici di qjui. E così ti invio il resoconto finanziario che ho chiesto al miop fratellino (Uoddio, potrebbe essre perfino mio nipote se ricordo i miei anni) che a Bukavu attende di potere entrare nel Seminario teologico. E' a lui che ho affidato del denarto, e gli ho chiesto di riferirmi l'uso che ne ha fatto, per potere in questo modo megl.io sollecitare aiuti degli amici.

E allora leggi l'Email che è di ieri.

Bonjour père. Voici la façon dont nous avons utilisé la somme nous octroyée dernièrement :

-600 dl achat sheeting (=*teli per coprire la gente*) pour réfugiés de Mulenge

-400 dl achat, médicaments pour Kashindaba

-400 dl Financement projet scolarisation réfugiés de Bukavu

-100 dl pour amis du Nord Kivu

-50 dl pour logements des orphelins

-40 dl achat votre téléphone

-60 dl Communication avec amis

-100 dl pour le comd second FDLR

-100 dl pour la programmation de l'ordinateur (*gli ho dato un PC di cui servirsi*).

-250 dl achat premier lot de médicaments vers Shabunda

Voici en général la situation de nos frères

-Kilembwe ils sont dans l'alerte maximum car les Fardc se concentrent devant eux pour déclencher les hostilités

-Mulenge la situation est calme et nos frères ont regagné leurs positions la population reste au-delà de Mulenge dans la foret car on craint toujours la reprise des hostilités,

-Kqshindqbq et Kigogo ils sont dans la foret mais certains sont dans un endroit où il ya le réseau téléphonique

-Shabunda les camps des réfugiés ont été attaquées et ils sont pour le moment dans la foret dans la misère totale

-?asisi ils sont dans la foret mais il y a un frère qui est toujours aux alentours de Goma et Kigogo ils sont dans la foret mais certains sont dans un endroit où il ya le réseau téléphonique

-Shabunda les camps des réfugiés ont été attaquées et ils sont pour le moment dans la foret dans la misère totale

-Masisi ils sont dans la foret mais il y a un frère qui est toujours aux alentours de Goma

Ho sottolineato M ulenge, perché è quello illuogo che io conosco e visitavo e dove ho il cuore, sempre.

Un abbraccio, caro confratello. Pega per me. Fraternamente, pg.

Annex 38

Mr. Lanaro's communication where he states he has deliberately diverted funds raised by his congregation in Europe to support refugee populations in order to directly support FDLR. A mention of the complicity of Franco Bordignon, regional finance manager for the Severiens in Bukavu, is also made in the first abstract. The Group has censored the identity of the individual receiving these e-mails in the interests of source confidentiality.

[redacted]<[redacted]@gmail.com>

(no subject)

1 message

Pier Giorgio Lanaro <piergiorgiolanaro@yahoo.fr> **Thu, Oct 8, 2009 at 4:45 PM**
To: [redacted] <[redacted]@gmail.com>

Caro amico, spero che i tuoi nuovi impegni ti consentano spazi sia per l'apostolato giovanile sia per il soccorso ai poveri, ai profughi. Senti eventuali offerte per loro le puoi spedire attraverso West Bank a FRANCO BORDIGNON (Bukavu- Avenue Kabambare: comunque è una persona conosciuta): è il nominativo del nostro economo regionale, incaricato di tutto il movimento di denaro. Una volta sul posto il denaro lo farò consegnare ai miei amici di fiducia che mi invieranno, come sempre, resoconto esatto dell'uso fattone: ssrà mia gioia farti sapere subito le miserie che i vosri dollari avranno potuto consolare. Fraternamente, nel Signore. P. Pier Giorgio.

[redacted]<[redacted]@gmail.com>

(no subject)

1 message

Pier Giorgio Lanaro <piergiorgiolanaro@yahoo.fr> **Mon, Aug 17, 2009 at 3:49 PM**
To: [redacted] <[redacted]@gmail.com>

Carissimo,

<introductory remarks edited out>

Per l'Europa sto scrivendo al presidente Ignace per vedere come fare: eventualmente farli arrivare in Italia, magari attraverso miei fratelli, per evitare complicazioni di altro genere, dato che -leggo in un Email ricevuto oggi stesso- il conto bancario delle FDLR in Germania è stato sospeso. Ma spero che ci sia là qualche buon prete o ,laico che s'infischia di tutto questo.

Mi si dice che hanno appena spezzato un accerchiamento: ma penso alla situazione di questa gente, attendata in qualche modo sulla montagna, a 2500 m s.m. , al freddo, con le prime piogge, e senza riparo alcuno. Lassù non ci sono alberi o altro: occorre acquistare tende. Ho appena fatto consegnare del denaro: per fortuna non ho problemi a ricevere aiuti per i profughi e consegnarlo, senza avvertire nessun altro, escluso il nostro economo.

<remarks edited out>

Ricordami nella preghiera. Ignace mi chiede di celebrare per loro qualche messa durante la settimana: è quanto faccio praticamente ogni giorno. Un abbraccio. Pg.

Annex 39

Mr. Lanaro's e-mail making reference to his family's ability to receive funds that could be then forwarded to the FDLR leadership, and copying a message from Mr. Murwanashyaka, who confirms he would be pleased to receive money this way. The Group has censored the identity of the individual receiving these e-mails in the interests of source confidentiality.

[redacted] <[redacted]@gmail.com>

(no subject)

1 message

Pier Giorgio Lanaro <piergiorgiolanaro@yahoo.fr> **Tue, Aug 18, 2009 at 3:29 PM**
To: [redacted] <[redacted]@gmail.com>

Carissimo,

<introductory remarks edited out>

Ti accludo l'ultimo Email del presidente I., conclusivo di uno scambio avvenuto fra lui e me. Il meglio sarebbe questo: quanto intendi inviare per soccorrere i miserabili fuggiaschi, lo puoi spedire indicando che è un'offerta destinata a me per i profughi rwandesi (specifica tutto, così poi non ho difficoltà a fare ritirare il bel tutto), per il resto potresti inviare ai miei parenti; e allora attendi qualche ora perché li devo avvertire.

Scusa l'andamento abbastanza commerciale di 2questo incontro, ma certe cose è bene farle.

<personal remarks edited out>

Ciao. Prega per me. Fraternamente pg.

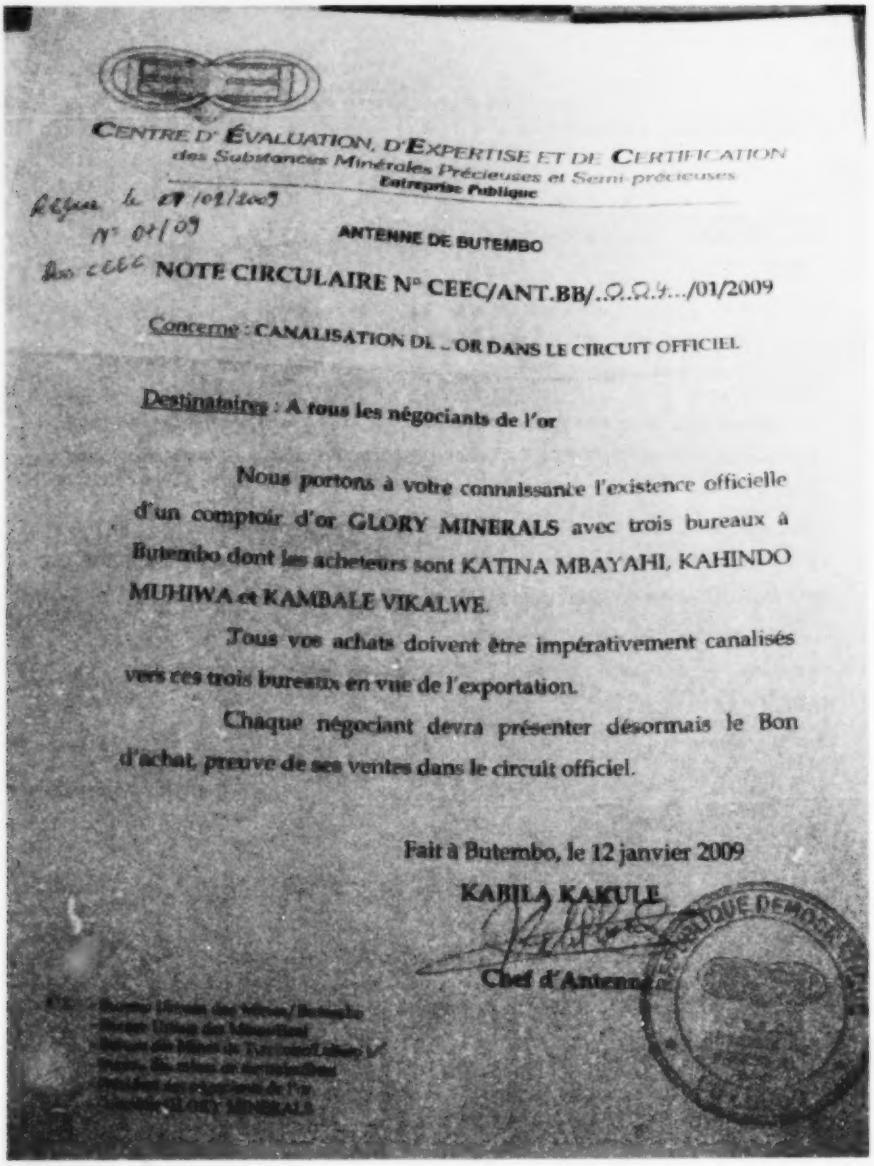
Pour facilité les choses et pour la confidentialité : Si c'est possible que votre famille toucher toute la somme, pour le reste je vais contacter votre famille afin qu'elle me la confier. Evidemment nos amis doivent être d'accord. De toute façon je leur écrirais par aprés pour leur dire que la somme en question m'est arrivée et je suis prêt pour une rencontre avec eux ici en Allemagne.

Que le Très-Haut continue à vous protéger et encore merci pour les messes que vous êtes entrain de lire à l'intention de nos réfugiés, de notre pays, de notre région.

IM

Annex 40

Document dated 12 January 2009 and issued by a government mining official in Butembo, asking all small traders in Lubero territory to provide all their gold to the three partners of Glory Minerals



CENTRE D'ÉVALUATION, D'EXPERTISE ET DE CERTIFICATION
des Substances Minérales Précieuses et Semi-précieuses
Entreprise Publique

Reçu le 27/01/2009
N° 01/09

ANTENNE DE BUTEMBO

Bon CEEC

NOTE CIRCULAIRE N° CEEC/ANT.BB/...009.../01/2009

Concerne : CANALISATION DE L'OR DANS LE CIRCUIT OFFICIEL

Destinataires : A tous les négociants de l'or

Nous portons à votre connaissance l'existence officielle d'un comptoir d'or GLORY MINERALS avec trois bureaux à Butembo dont les acheteurs sont KATINA MBAYAHI, KAHINDO MUHIWA et KAMBALE VIKALWE.

Tous vos achats doivent être impérativement canalisés vers ces trois bureaux en vue de l'exportation.

Chaque négociant devra présenter désormais le Bon d'achat, preuve de ses ventes dans le circuit officiel.

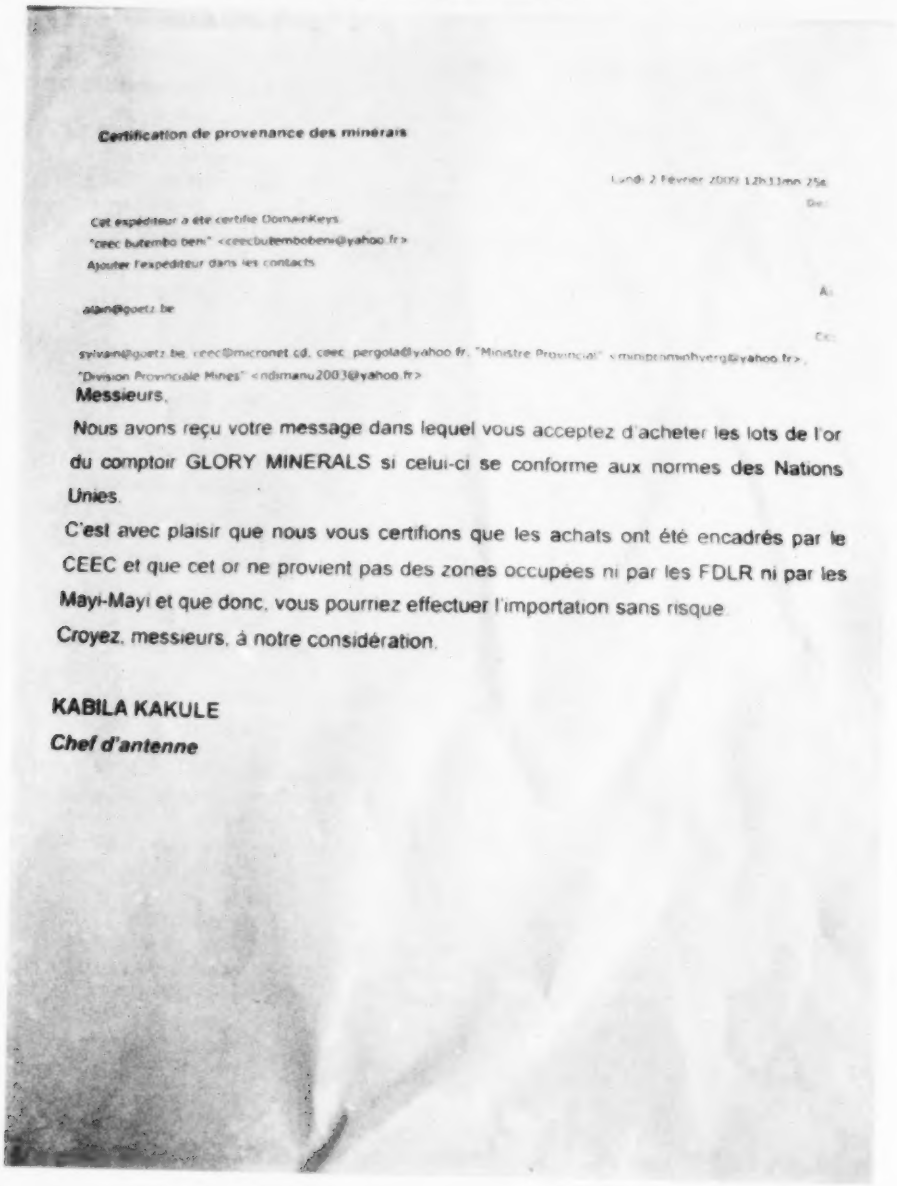
Fait à Butembo, le 12 janvier 2009

KABILA KAKULE

Chef d'Antenne

Annex 41

E-mail sent by Mr. Kakule on 2 February 2009 to Tony Goetz and Zonen, in Belgium, where Mr. Kakule states that gold purchased by Glory Minerals does not come from areas controlled by FDLR or Mai Mai



Certification de provenance des minerais

Lundi 2 Février 2009 12h11mn 25s

De:

Cet expéditeur a été certifié DomainKeys.

"ceec butembo ben" <ceecbutembobenv@yahoo.fr>

Ajouter l'expéditeur dans les contacts

A:

alain@goetz.be

Cc:

sylvain@goetz.be, ceec@micronet.cd, ceec_pergola@yahoo.fr, "Ministre Provincial" <ministreminhyerg@yahoo.fr>, "Division Provinciale Mines" <ndsmanu2003@yahoo.fr>

Messieurs,

Nous avons reçu votre message dans lequel vous acceptez d'acheter les lots de l'or du comptoir GLORY MINERALS si celui-ci se conforme aux normes des Nations Unies.

C'est avec plaisir que nous vous certifions que les achats ont été encadrés par le CEEC et que cet or ne provient pas des zones occupées ni par les FDLR ni par les Mayi-Mayi et que donc, vous pourriez effectuer l'importation sans risque.

Croyez, messieurs, à notre considération.

KABILA KAKULE

Chef d'antenne

Annex 42

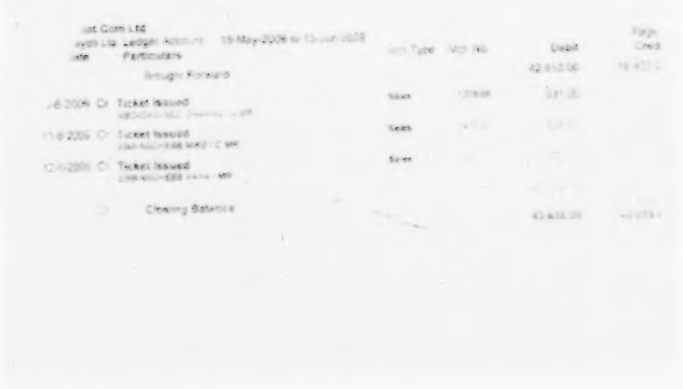
Asia Exchange Centre, the Dubai-based foreign exchange bureau where Mr. Jigar Kumar operates

Annex 43

Still photograph taken from video footage showing an individual opening the gate of Mr. Vaya's address in Kampala, identified by several sources as an employee of Mr. Vaya who handles gold

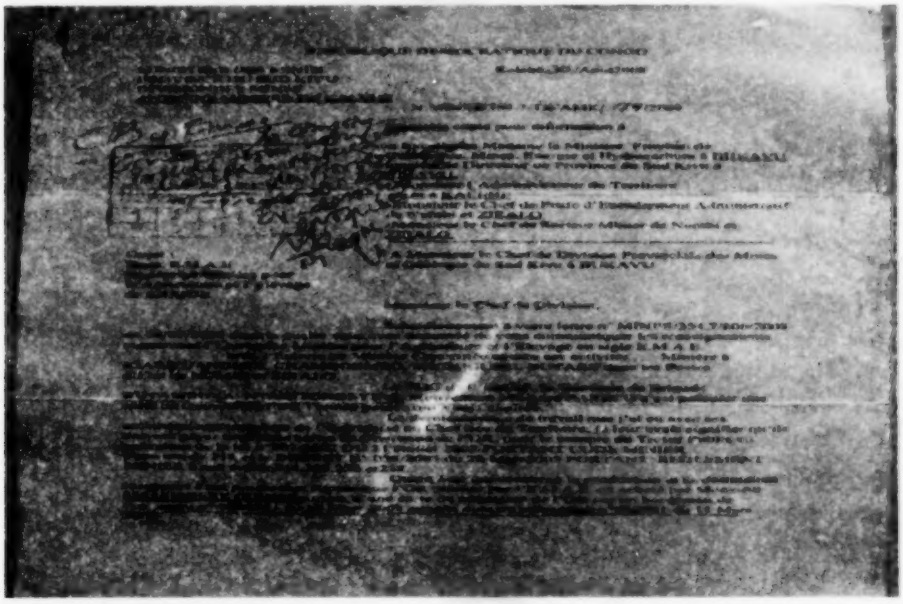
Annex 44

Copies of receipts from a travel agent showing Mr. Vaya purchasing over $40,000 in flight tickets between May and June 2009 for employees travelling between Entebbe, Bujumbura, Nairobi and Mumbai



Annex 45

Government documents proving that a known supplier of Mr. Mange, known as Neo Bisimwa, was involved in purchasing gold that was traded by General Rutambuka Ntabitondeye of Mai Mai PARECO in 2008



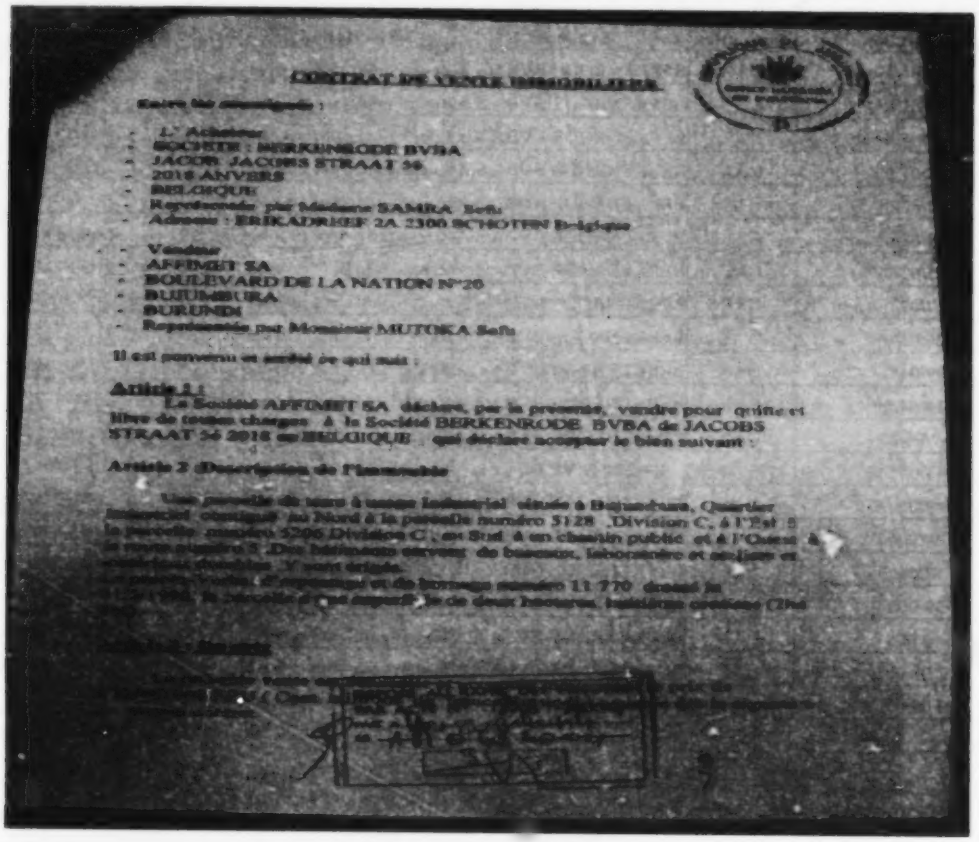
Annex 46

Customs data on declared exportations of gold from Burundi (1 January 2009 to 21 September 2009)

Date of export declaration	Destination	Exporter	Description	Weight (kg)	Value in BIF	Value in USD
09/01/09	UAE	BERKENRODE BVBA S.A	Rough gold - not powder	31	1038581150	863505,4251
20/01/09	UAE	BERKENRODE BVBA S.A	Rough gold - not powder	31	994020852	826456,7466
21/01/09	UAE	BERKENRODE BVBA S.A	Rough gold - not powder	28	949721176	789624,7566
28/01/09	UAE	BERKENRODE BVBA S.A	Rough gold - not powder	37	1309274249	1088567,241
12/02/09	UAE	BERKENRODE BVBA S.A	Rough gold - not powder	33	1218691869	1013254,516
19/02/09	UAE	BERKENRODE BVBA S.A	Rough gold - not powder	59	2245231309	1866748,126
05/03/09	UAE	BERKENRODE BVBA S.A	Rough gold - not powder	59	2104852454	1750033,219
17/03/09	UAE	BERKENRODE BVBA S.A	Rough gold - not powder	59	2121805275	1764128,269
26/03/09	UAE	BERKENRODE BVBA S.A	Rough gold - not powder	59	2178550054	1811307,465
09/04/09	UAE	BERKENRODE BVBA S.A	Rough gold - not powder	58	1989077616	1653774,779
24/04/09	UAE	BERKENRODE BVBA S.A	Rough gold - not powder	60	2137778713	1777409,032
7/05/09	UAE	BERKENRODE BVBA S.A	Rough gold - not powder	59	2109901700	1754231,303
13/05/09	Belgium	UWIRAGIYE François	Rough gold - not powder	1	27047363	22487,93432
19/05/09	UAE	BERKENRODE BVBA S.A	Rough gold - not powder	56	2076392866	1693632,028
9/06/09	UAE	BERKENRODE BVBA S.A	Gold in powder	58	2166967070	1801677,048
12/06/09	UAE	BERKENRODE BVBA S.A	Gold in powder	59	2205189397	1833456,16
30/06/09	UAE	BERKENRODE BVBA S.A	Rough gold - not powder	33	1206629200	1003225,275
07/09	UAE	BERKENRODE BVBA S.A	Rough gold - not powder	99	4292771669184	3569130467
08/09	UAE	BERKENRODE BVBA S.A	Rough gold - not powder	34	1561313429484	1298119667
09/09	Belgium	Not available	Rough gold - not powder	1	18747804285	15587449
Total				**914**	**5900912615266**	**4906151102**

Annex 47

Details of the signed and notarized purchase of a building belonging to Affimet by Berkenrode BVBA. The document is signed by Samra Sefu (Mr. Mutoka Ruganyi's daughter) and notarized by the Burundian Ministry of Justice.



CONTRAT DE VENTE IMMOBILIERE

Entre les soussignés :

- L'Acheteur
- SOCIETE : BERKENRODE BVBA
- JACOB JACOBS STRAAT 56
- 2018 ANVERS
- BELGIQUE
- Représentée par Madame SAMRA Sefu
- Adresse : ERKADRIEF 2A 2300 SCHOTEN Belgique

- Vendeur
- AFFIMET SA
- BOULEVARD DE LA NATION N°26
- BUJUMBURA
- BURUNDI
- Représentée par Monsieur MUTOKA Sefu

Il est convenu et arrêté ce qui suit :

Article 1 :

La Société AFFIMET SA déclare, par la présente, vendre pour quitte et libre de toutes charges à la Société BERKENRODE BVBA de JACOBS STRAAT 56 2018 en BELGIQUE qui déclare accepter le bien suivant :

Article 2 :Description de l'immeuble

Vu pour inscription à Ab... heure...
Au Registre-Journal ouvert à
la Conservation des Titres Fonciers
Sous le n° d'ordre Général ...
et Spécial ... à ... 9769
Dufumbwa le 22 Août 2008
le Conservateur des Titres Fonciers

Annex 48

Incorporation document showing that Mr. Alain Goetz operates a company called Berkenrode at 56 Jacobs Jacobsstraat in Antwerp, which is directly next door to his gold smelting business, Tony Goetz and Zonen, based at 58 Jacobs Jacobsstraat

Coface Services Belgium - Extended legal file
Your reference:

Date: 25/03/2009 11:42

Descriptive

Comment: Active file

Enterprise No:
National No / VAT No:
Name / Business name:
Address:

Legal form:
Date of incorporation:
Closure of accounts:
Date of statutory annual general meeting:

Main activity:

VAT liability:

Enterprise No:
Name / Business name:
Address:

Legal form:
Date of first registration:
Authorised Capital:
Status at the E.C.B.:
Legal state:
Date of the legal state:

Trade Company

(Status on 20/06/2003)

Name / Business name: BERKENRODE BVBA
Address: Jacob Jacobsstraat 56
2018 ANTWERPEN
Date of first registration: 16/12/2002
Number of active offices: 1
Last modification in the T.R.: 18/12/2002

Registration

(Status on 20/06/2003)

Trade clerk's Office:	T.R. No:	Registration Date:
Antwerpen	352340	16/12/2002

Characteristics

Characteristics

	Type:	Status:	Begin date:	End date:
1.	VAT liability	Competence/allowance acquired	17/01/2003	
2.	Commercial company	Competence/allowance acquired	16/12/2002	

Key figures

Publication date	28/08/2008	23/05/2007	29/06/2006
General annual board-meeting	21/05/2008	16/05/2007	17/05/2006
Type of account	Abbreviated outline	Abbreviated outline	Abbreviated outline
Currency related to book-year	EUR	EUR	EUR
Date of the closure of the accounts	31/12/2007	31/12/2006	31/12/2005
Sales and services	0	0	0
Gross value added	34.018	40.346	23.876
Year's income	5.242	2.163	5.621
Equity	427.460	422.218	20.055

Financial and administrative incidents

Judgments (civil)

No judgments to date

Open-ended data

Date of publication:	Instrument:	Description:
25/09/2006	147150	Modification of the statutes Increase of capital
01/09/2004	125975	Resignation(s) Nomination(s)
03/12/2002	144787	Incorporation

Board of directors

(Extract of the Official Journal annex)

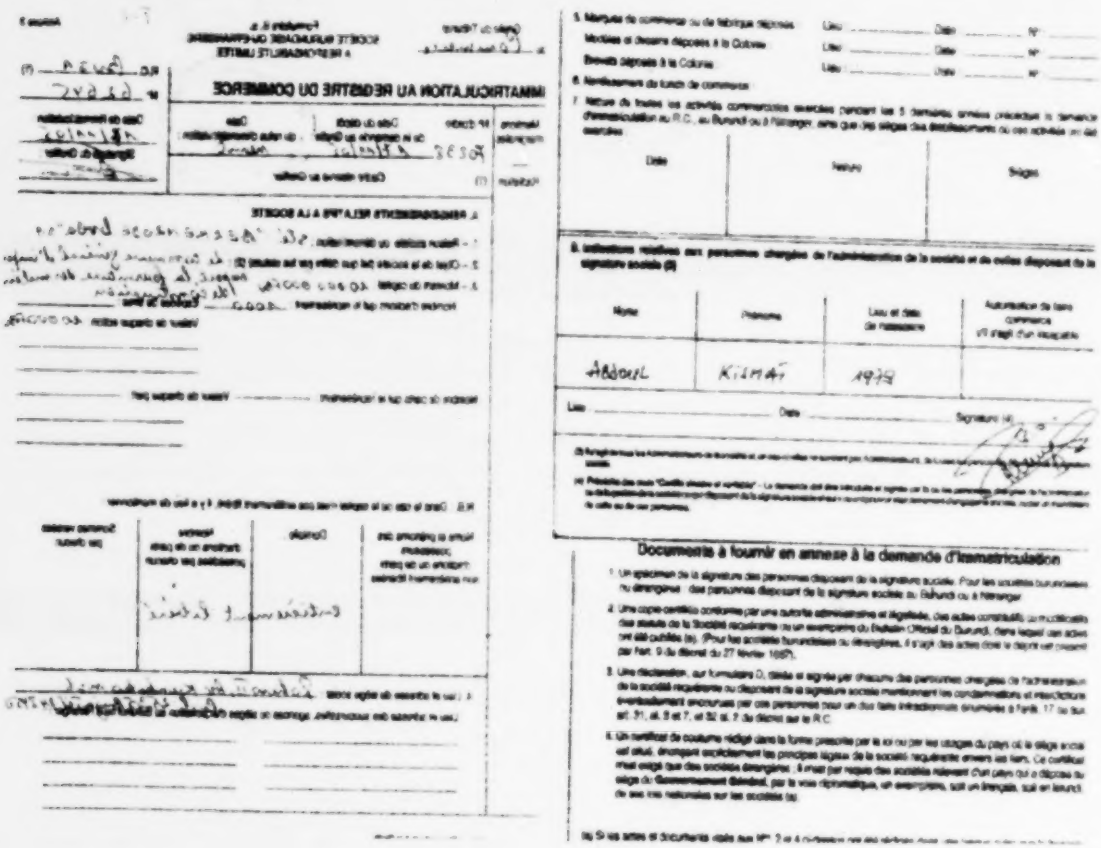
Name:	Function:
WYELER SANDRA	Manager
WEYLER SANDRA	Manager

(As published in Official Journal)

Name:	Function:
WYELER SANDRA	Partner
GOETZ ALAIN FRANCOIS SYLVIANE	Partner

Annex 49

Registration of Berkenrode BVBA as a Burundian company under Mr. Mutoka's name and Berkenrode BVBA exporting licence, granted by Burundian authorities in 2008



AGREMENT N° ..../2008 AUTORISANT A LA SOCIETE HERKENRODE b.v.b.a SA A OUVRIR UN COMPTOIR D'ACHAT ET D'EXPORTATION DE L'OR A BUJUMBURA.

LE MINISTRE DE L'EAU, DE L'ENERGIE ET DES MINES,

Vu la Constitution de la République du Burundi ;

Vu le Décret-Loi n°1/338 du 17 Juillet 1976 portant Code Minier et Pétrolier de la République du Burundi ;

Vu la Loi n°1/015 du 11 Août 2000 fixant dispositions particulières relatives aux compétences d'exploitation, d'achat et d'exportation des substances minérales extraites artisanalement au Burundi et y importées ;

Vu le Décret n°100/160 du 14 Décembre 1982 fixant les montants d'indemnités du Décret-loi 1/338 du 17 Juillet 1976 susvisé ;

Vu l'Ordonnance Ministérielle n°560/560/910 du 04 Décembre 2000 fixant les montants de la redevance minière et du supplément des droits dus par les comptoirs d'exploitation, d'achat et d'exportation des substances minérales extraites artisanalement au Burundi et y importées ;

Vu l'Ordonnance Ministérielle n°540/760/770/03e du 05 Mars 2009 fixant la contribution annuelle pour la réhabilitation des sites d'exploitation artisanales des substances minérales ;

Attendu que la demande de transfert de l'agrément n°6/2008 au nom de la Société HERKENRODE b.v.b.a. S.A introduite en date du 15/05/2008 a été examinée favorablement ;

DECIDE

Article 1 : La Société **HERKENRODE** b.v.b.a. S.A, domiciliée à Bujumbura, Tél 22220662, est autorisée à ouvrir un comptoir d'achat et d'exportation de l'or à Bujumbura.

Article 2 : Cet agrément confère à son titulaire le droit d'acheter l'or et de commercialiser cette substance.

Article 3 : La Société **HERKENRODE** b.v.b.a. S.A sera soumise à une taxe ad valorem minière fixée à 0,9% et aux droits de sortie de 0,2% de la valeur de l'or à l'exportation et ce conformément aux dernières modifications à la loi.

Article 4 : La Société **HERKENRODE** b.v.b.a. S.A est tenue d'assurer la sécurité physique du personnel ainsi que la protection de l'environnement.

Article 5 : L'exportation de l'or sous couvert de l'agrément est soumise au libre passage à bord pour le bureau douanier sous la couverte d'une déclaration visée conjointement par la Direction des Mines et l'antenne locale des Douanes.

Le plombage de l'or à exporter se fera en présence des agents de la Direction des Mines et Carrières, de la Douane et de la Police de l'Air des Frontières et des Etrangers.

Article 6 : Le présent agrément peut être annulé dans les conditions spécifiques prévues par le Code Minier et Pétrolier ou pour non respect des obligations légales et réglementaires en vigueur.

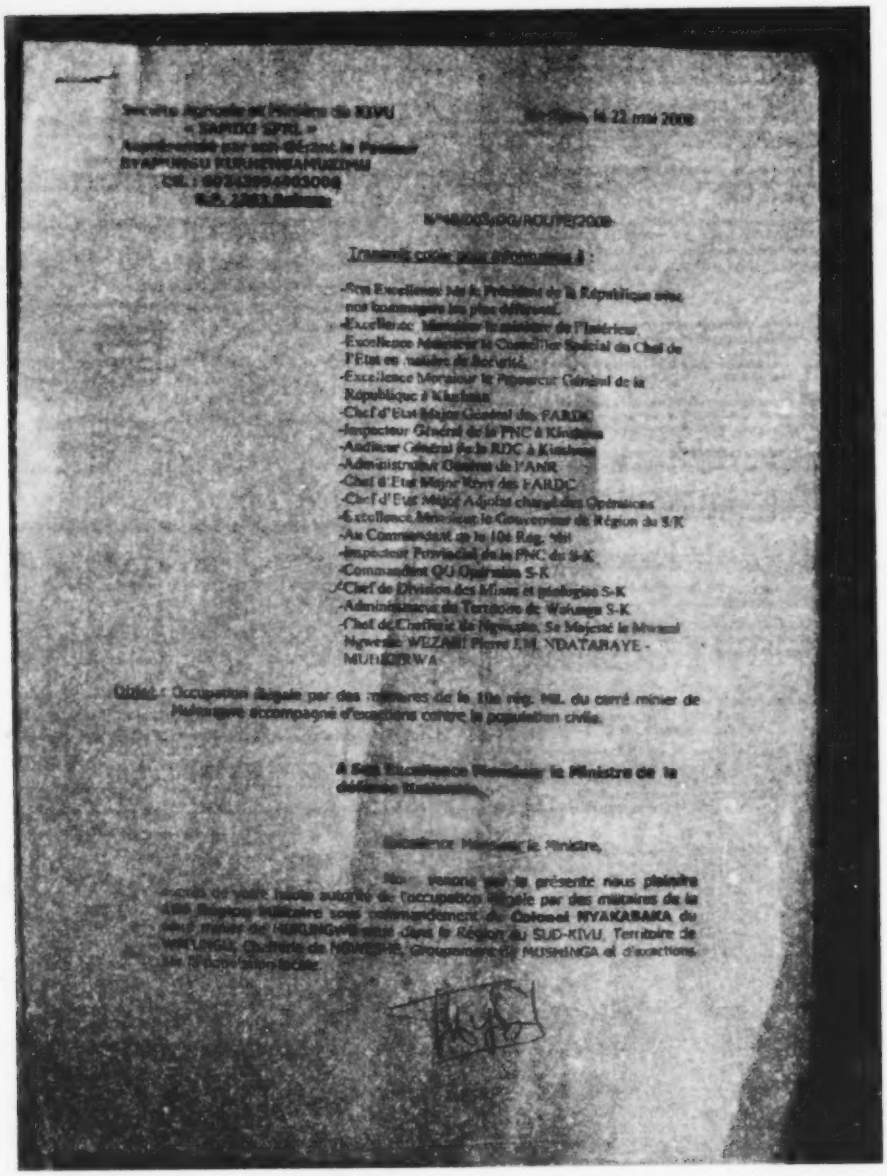
Article 7 : Le présent agrément entre en vigueur le jour de sa signature et expire le 31 Décembre 2008.

Fait à Bujumbura, le 04 Août 2008

LE MINISTRE DE L'EAU, DE L'ENERGIE ET DES MINES

Annex 50

Written complaint by the mining company Samiki, citing Colonel Nakabaka's control over mining areas in the company's concession, and the refusal of the military to withdraw in spite of recommendations from the governor of the province to do so



Transcription of the visible text:

Bukavu, le 22 mai 2008

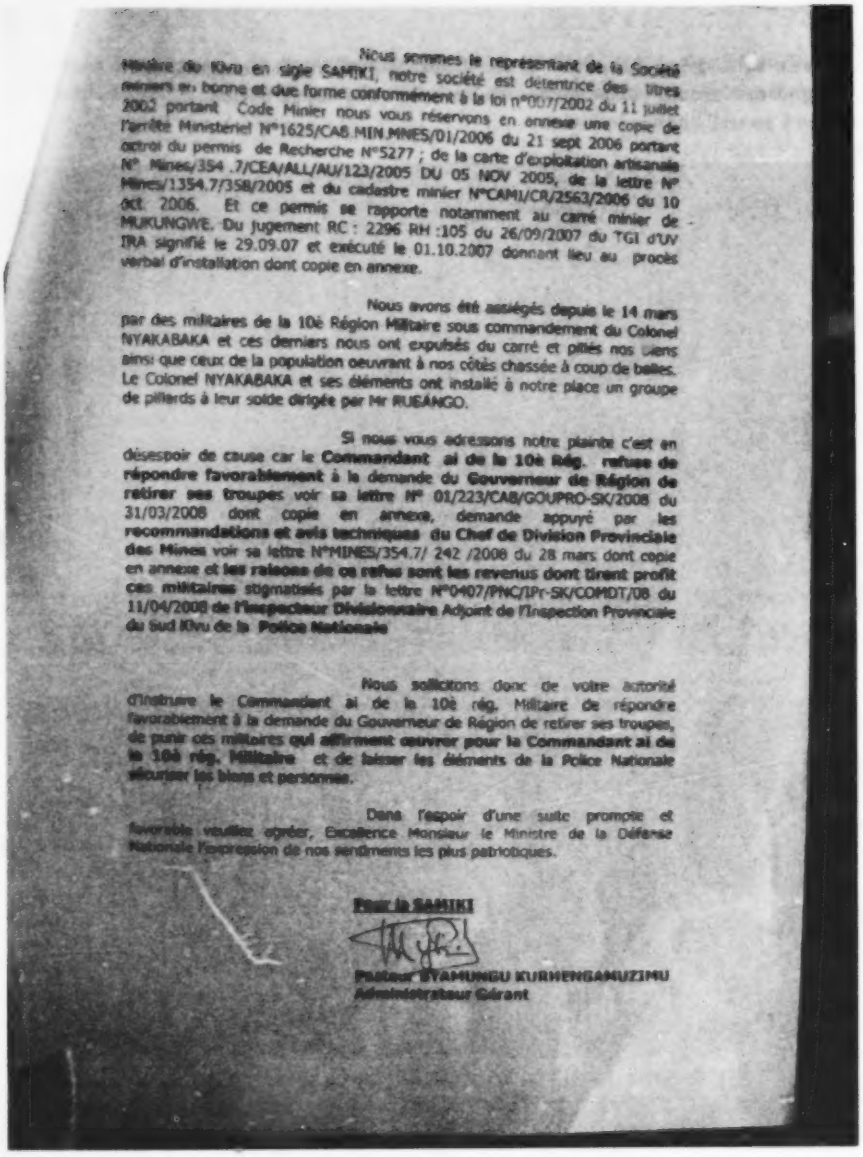
-Son Excellence Mr le Président de la République avec nos hommages les plus distingués.
-Excellence Monsieur le ministre de l'Intérieur.
-Excellence Monsieur le Conseiller Spécial du Chef de l'Etat en matière de Sécurité.
-Excellence Monsieur le Procureur Général de la République à Kinshasa.
-Chef d'Etat Major Général des FARDC
-Inspecteur Général de la PNC à Kinshasa
-Auditeur Général de la RDC à Kinshasa
-Administrateur Général de l'ANR
-Chef d'Etat Major Vice des FARDC
-Chef d'Etat Major Adjoint chargé des Opérations
-Son Excellence Monsieur le Gouverneur de Région du S/K
-Au Commandant de la 10è Reg. Mil
-Inspecteur Provincial de la PNC du S-K
-Commandant QG Opérations S-K
-Chef de Division des Mines et géologie S-K
-Administrateur du Territoire de Walungu S-K
-Chef de Chefferie de Ngweshe, Sa Majesté le Mwami Ngweshe WEZABI Pierre LM. NDATABAYE - MUHIGIRWA

Objet : Occupation illégale par des militaires de la 10è rég. Mil. du carré minier de Mahangwe accompagné d'exactions contre la population civile.

A Son Excellence Monsieur le Ministre de la défense Nationale,

Excellence Monsieur le Ministre,

Nous avons l'honneur par la présente nous plaindre auprès de votre haute autorité de l'occupation illégale par des militaires de la 10ème Région Militaire sous commandement du Colonel NYAKABAKA du site minier de HERUNGWE situé dans le Région du SUD-KIVU, Territoire de WALUNGU, Chefferie de NGWESHE, Groupement de MUSHINGA et d'exactions.



Nous sommes le représentant de la Société Minière du Kivu en sigle SAMIKI, notre société est détentrice des titres miniers en bonne et due forme conformément à la loi n°007/2002 du 11 juillet 2002 portant Code Minier nous vous réservons en annexe une copie de l'arrêté Ministériel N°1625/CAB.MIN.MINES/01/2006 du 21 sept 2006 portant octroi du permis de Recherche N°5277 ; de la carte d'exploitation artisanale N° Mines/354 .7/CEA/ALL/AU/123/2005 DU 05 NOV 2005, de la lettre N° Mines/1354.7/358/2005 et du cadastre minier N°CAMI/CR/2563/2006 du 10 oct. 2006. Et ce permis se rapporte notamment au carré minier de MUKUNGWE. Du jugement RC : 2296 RH :105 du 26/09/2007 du TGI d'UV IRA signifié le 29.09.07 et exécuté le 01.10.2007 donnant lieu au procès verbal d'installation dont copie en annexe.

Nous avons été assiégés depuis le 14 mars par des militaires de la 10è Région Militaire sous commandement du Colonel NYAKABAKA et ces derniers nous ont expulsés du carré et pillés nos biens ainsi que ceux de la population oeuvrant à nos côtés chassée à coup de balles. Le Colonel NYAKABAKA et ses éléments ont installé à notre place un groupe de pillards à leur solde dirigée par Mr RUSANGO.

Si nous vous adressons notre plainte c'est en désespoir de cause car le **Commandant ai de la 10è Rég. refuse de répondre favorablement** à la demande du **Gouverneur de Région de retirer ses troupes** voir sa lettre N° 01/223/CAB/GOUPRO-SK/2008 du 31/03/2008 dont copie en annexe, demande appuyé par les **recommandations et avis techniques du Chef de Division Provinciale des Mines** voir sa lettre N°MINES/354.7/ 242 /2008 du 28 mars dont copie en annexe et **les raisons de ce refus sont les revenus dont tirent profit ces militaires** stigmatisés par la lettre N°0407/PNC/IPr-SK/COMDT/08 du 11/04/2008 de **l'Inspecteur Divisionnaire** Adjoint de l'Inspection Provinciale du sud Kivu de la **Police Nationale**

Nous sollicitons donc de votre autorité d'instruire le Commandant ai de la 10è rég. Militaire de répondre favorablement à la demande du Gouverneur de Région de retirer ses troupes, de punir ces militaires **qui affirment oeuvrer pour le Commandant ai de la 10è rég. Militaire** et de laisser les éléments de la Police Nationale sécuriser les biens et personnes.

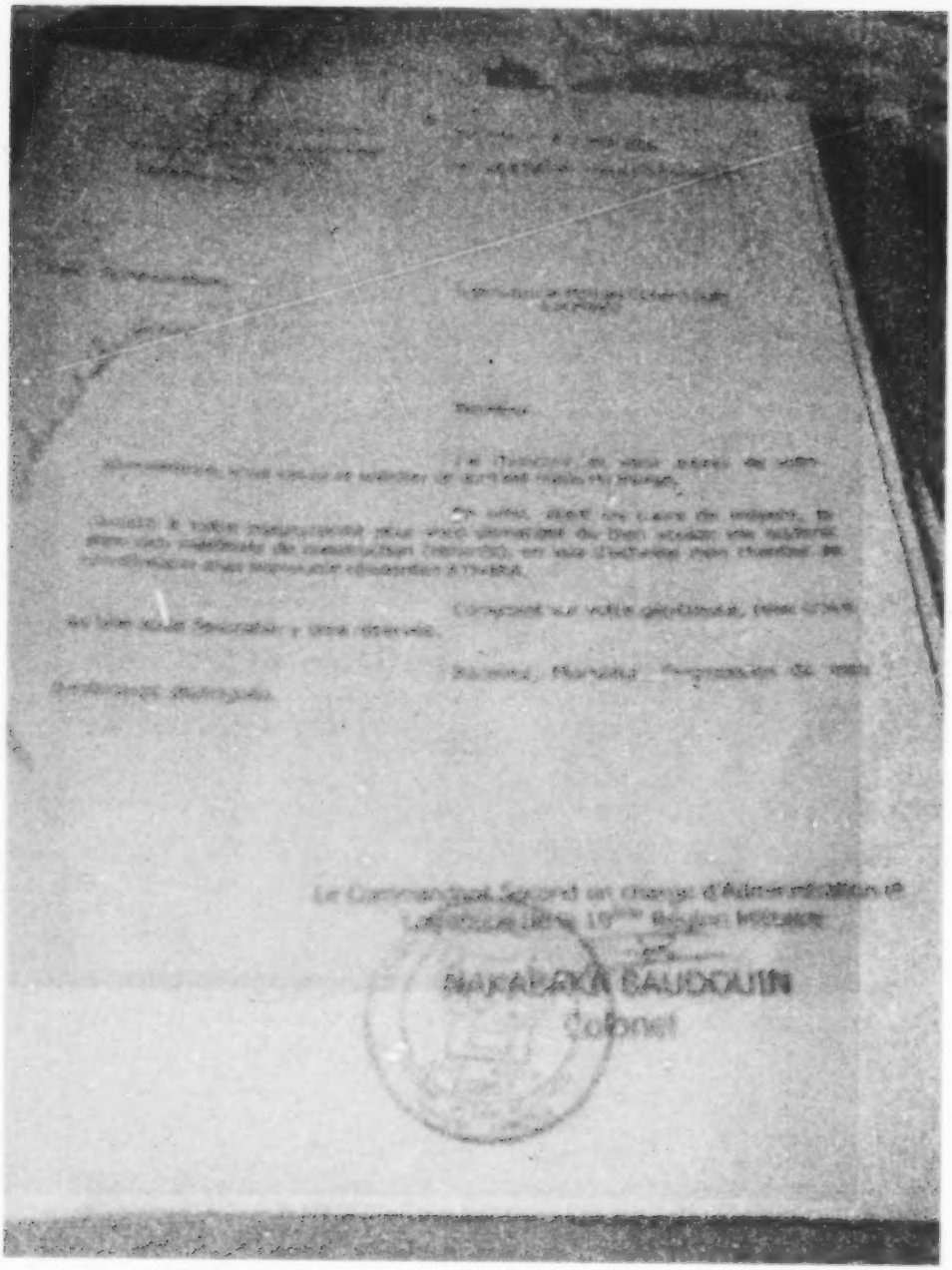
Dans l'espoir d'une suite prompte et favorable veuillez agréer, Excellence Monsieur le Ministre de la Défense Nationale l'expression de nos sentiments les plus patriotiques.

Pour la SAMIKI

Pasteur BYAMUNGU KURHENGAMUZIMU
Administrateur Gérant

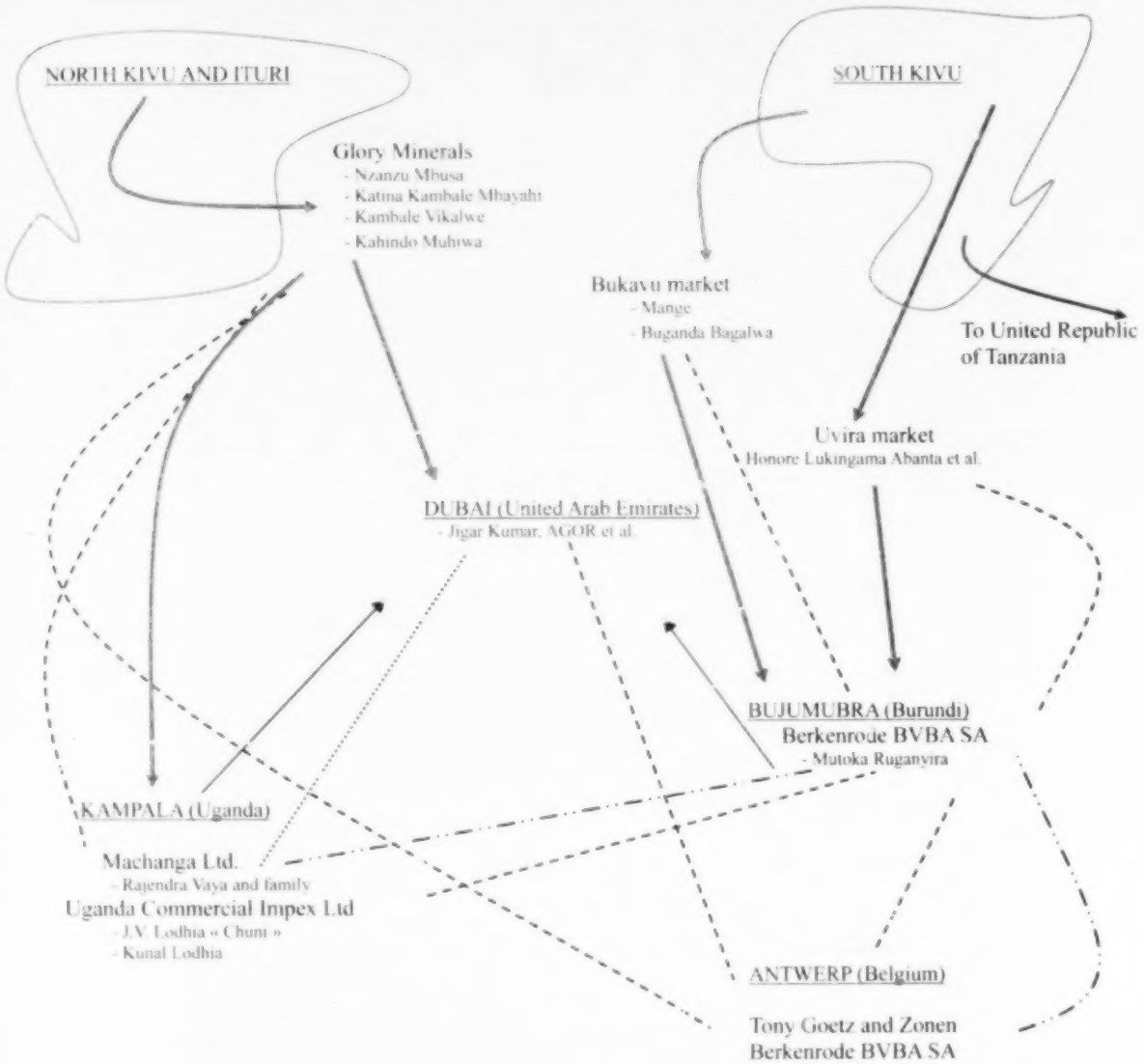
Annex 51

Request by Colonel Nakabaka made to Mr. Shamamba's company, Congocom/Namukaya, for cement to complete the construction of the Colonel's house in Uvira



Annex 52

Diagram covering the cross-cutting relationships of the various gold networks operating in North Kivu, South Kivu, Uganda, Burundi and the United Arab Emirates



LEGEND

Gold traded out of the Democratic Republic of the Congo:

Gold traded to Dubai (including Congolese origin gold):

Family links:

Former associates:

Regular and direct phone or e-mail communications:

Annex 53

Letter from the Dubai Multi Commodity Centre to one of its members in April 2007 informing the member that it was advising all members of the Commodity Centre to cease purchasing gold from entities within the Democratic Republic of the Congo, Rwanda and Uganda

Dubai Multi Commodities Centre

5

10th April 2007.

Mr. Tareq Medakka
Managing Director
Kalotti Jewellery
Gold Centre Building
6th floor # 151 Deira
P.O. Box 116858
Dubai - UAE

Tel: 04-2256633
Fax: 04-2353522

Dear Tareq

The international community headed by the United Nations has moved against some entities on different areas of Africa especially Uganda and Rwanda for their alleged roles in supplying weapons, money or other supply to fuel conflict in war-ravaged Congo. The assets of these entities were frozen.

In view of this volatile and chaotic situation, we would recommend very much to our dear members to stop doing business for the time being with any entities within Congo, Uganda and Rwanda, thereby protecting your financial assets and reputation with any loss that you indeliberately may suffer due to these upheavals.

We are committed to let you informed with any latest relative developments.

If this gives you a problem please contact me to discuss further

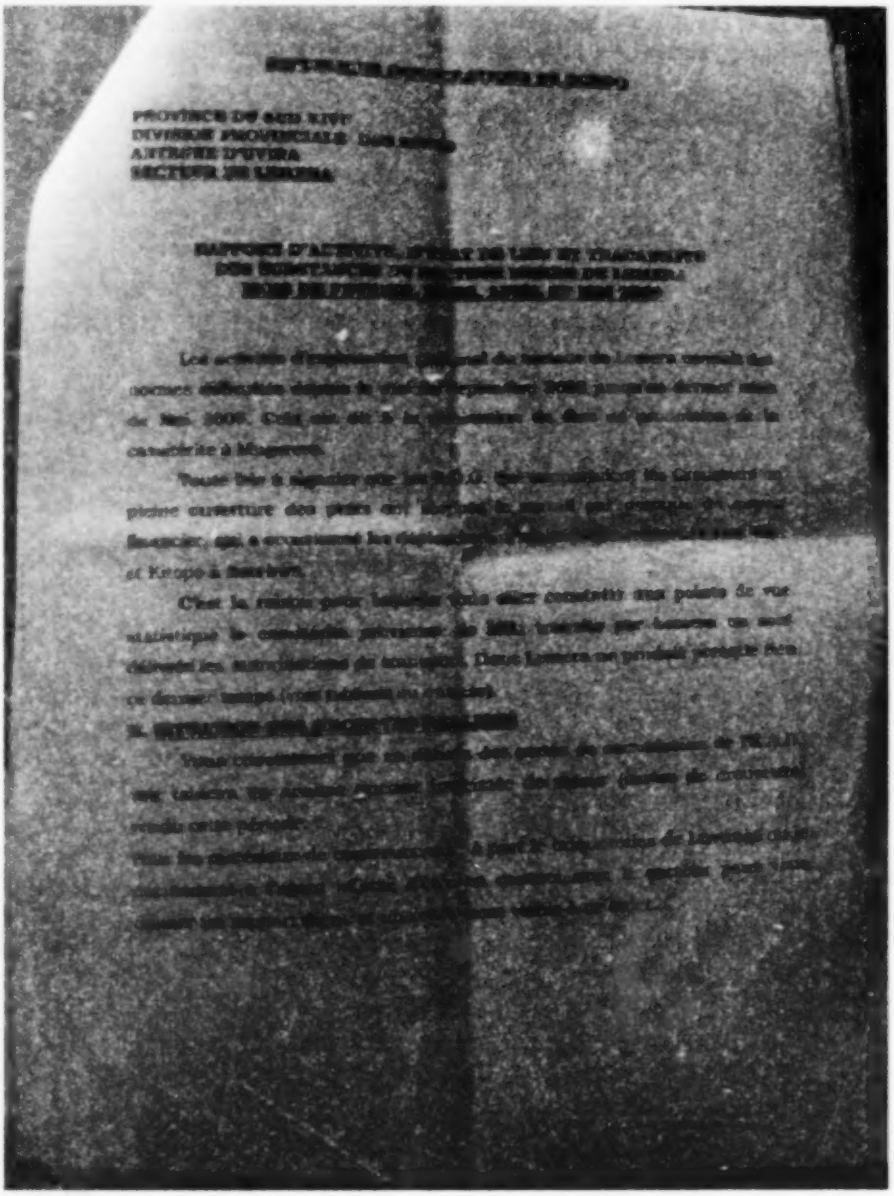
Yours Sincerely,

Colin

Colin A. Griffith
Executive Director - Gold

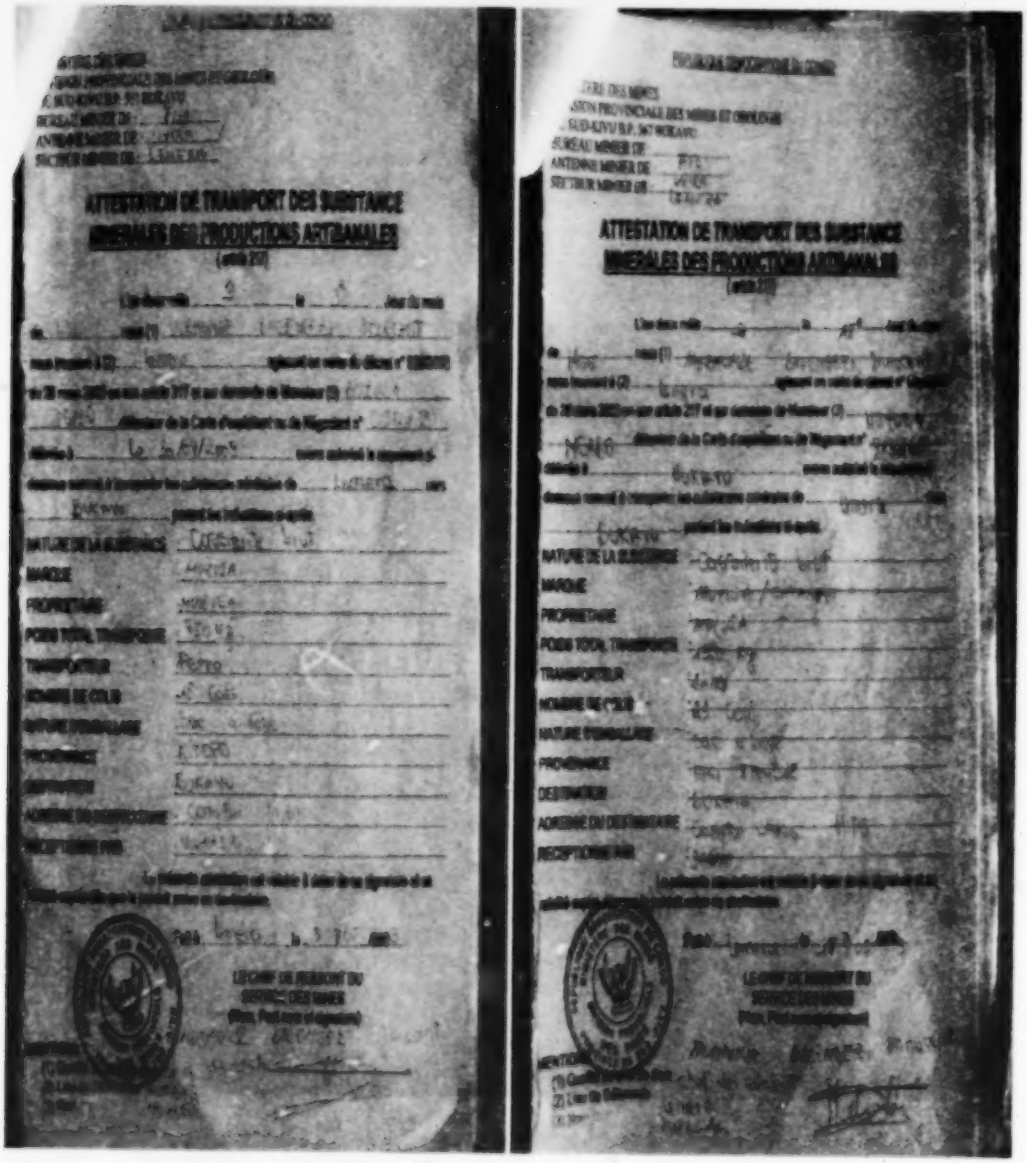
Annex 54

Government mining document indicating that almost all of the minerals flowing through Lemera were coming from Miki and Kitopu, in the Itombwe forest region

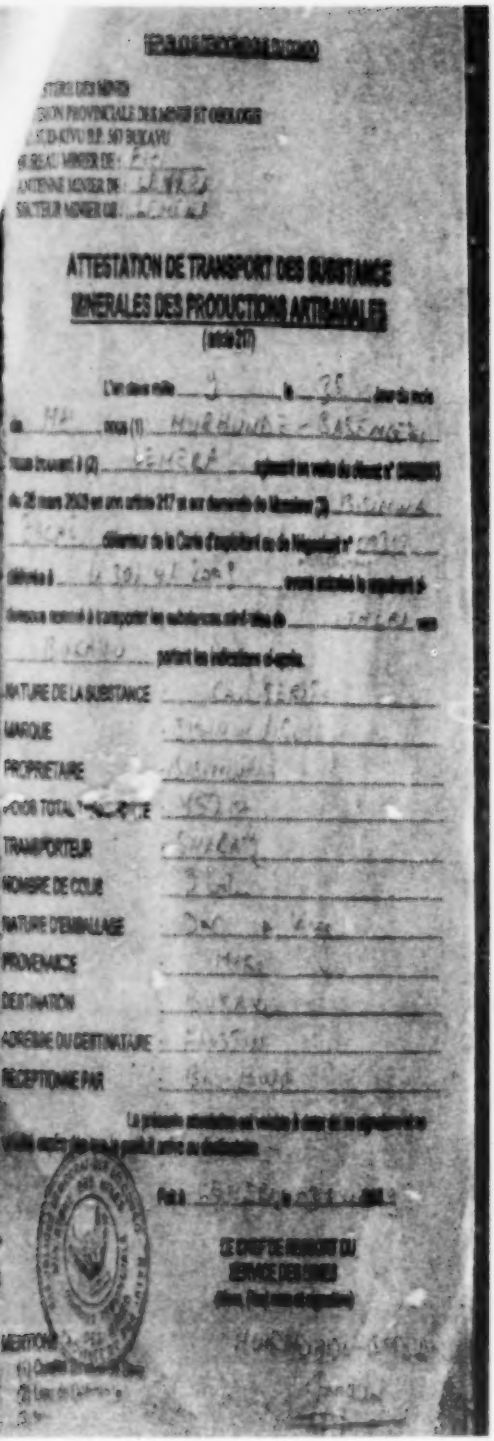


Annex 55

Government documents relating to dozens of purchases made in Lemera in 2009 sourced from FDLR-controlled zones, notably Miki and Kitopu. According to these documents the purchase of these minerals, which amount to tens of thousands of kilograms of cassiterite over a five-month period, were made by MDM, HTC, Muyeye and "Faustin", a trader who supplies both MDM and Clepad.


ATTESTATION DE TRANSPORT DES SUBSTANCE MINERALES DES PRODUCTIONS ARTISANALES

ATTESTATION DE TRANSPORT DES SUBSTANCE MINERALES DES PRODUCTIONS ARTISANALES



ATTESTATION DE TRANSPORT DES SUBSTANCE MINERALES DES PRODUCTIONS ARTISANALES
(Article 217)

L'an deux mille ... le ... jour du mois de ... nous (1) ... agissant en vertu du décret n° ... du 28 mars 2003 en son article 217 et sur demande du Monsieur (2) ... Gouverneur de la Carte d'Exploitant ou de Négociant n° ... délivrée à ... avons autorisé le négociant susnommé à transporter les substances ci-dessus désignées ... pesant les indications ci-après.

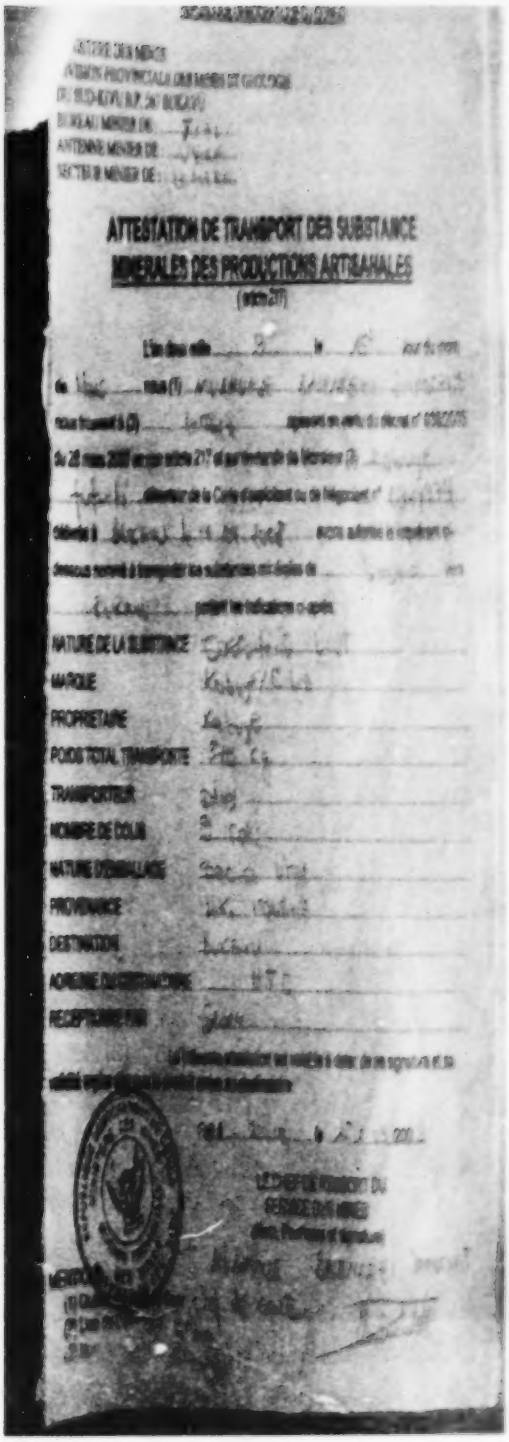
NATURE DE LA SUBSTANCE ...
MARQUE ...
PROPRIETAIRE ...
POIDS TOTAL TRANSPORTE ...
TRANSPORTEUR ...
NOMBRE DE COLIS ...
NATURE D'EMBALLAGE ...
PROVENANCE ...
DESTINATION ...
ADRESSE DU DESTINATAIRE ...
RECEPTIONNE PAR ...

La présente autorisation est valable à dater de son signature et ne vaudra valable que pour la période portée sur la déclaration

Fait à ... le ... 200...

LE CHEF DE BUREAU DU SERVICE DES MINES
(Nom, Prénom et signature)

MENTIONS
(1) Qualité du déclarant
(2) Lieu de l'attestation
3) ...



ATTESTATION DE TRANSPORT DES SUBSTANCE MINERALES DES PRODUCTIONS ARTISANALES
(Article 217)

L'an deux mille ... le ... jour du mois de ... nous (1) ... agissant en vertu du décret n° ... du 28 mars 2003 en son article 217 et sur demande du Monsieur (2) ... Gouverneur de la Carte d'Exploitant ou de Négociant n° ... délivrée à ... avons autorisé le négociant susnommé à transporter les substances ci-dessus désignées ... pesant les indications ci-après.

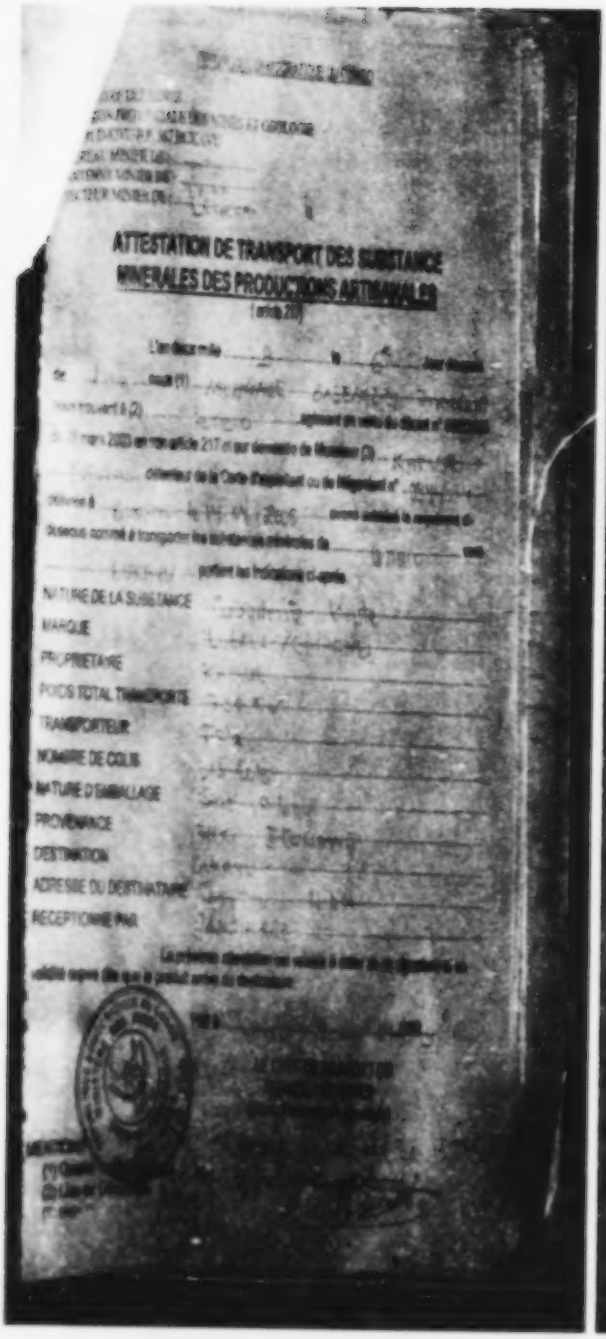
NATURE DE LA SUBSTANCE ...
MARQUE ...
PROPRIETAIRE ...
POIDS TOTAL TRANSPORTE ...
TRANSPORTEUR ...
NOMBRE DE COLIS ...
NATURE D'EMBALLAGE ...
PROVENANCE ...
DESTINATION ...
ADRESSE DU DESTINATAIRE ...
RECEPTIONNE PAR ...

La présente autorisation est valable à dater de son signature et ne vaudra valable que pour la période portée sur la déclaration

Fait à ... le ... 200...

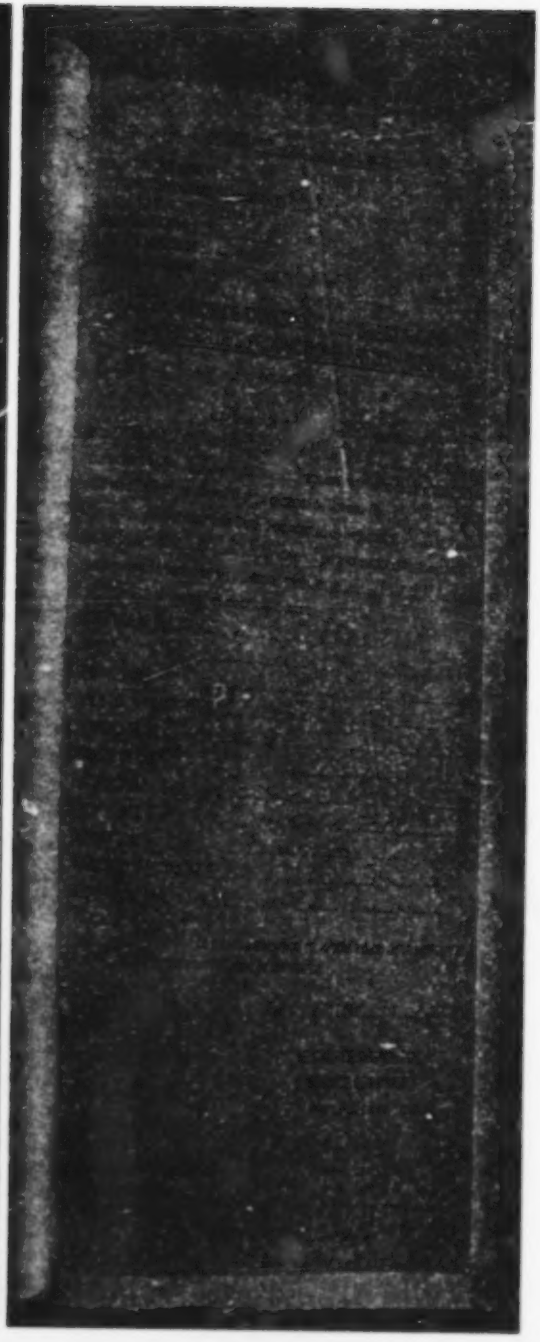
LE CHEF DE BUREAU DU SERVICE DES MINES
(Nom, Prénom et signature)

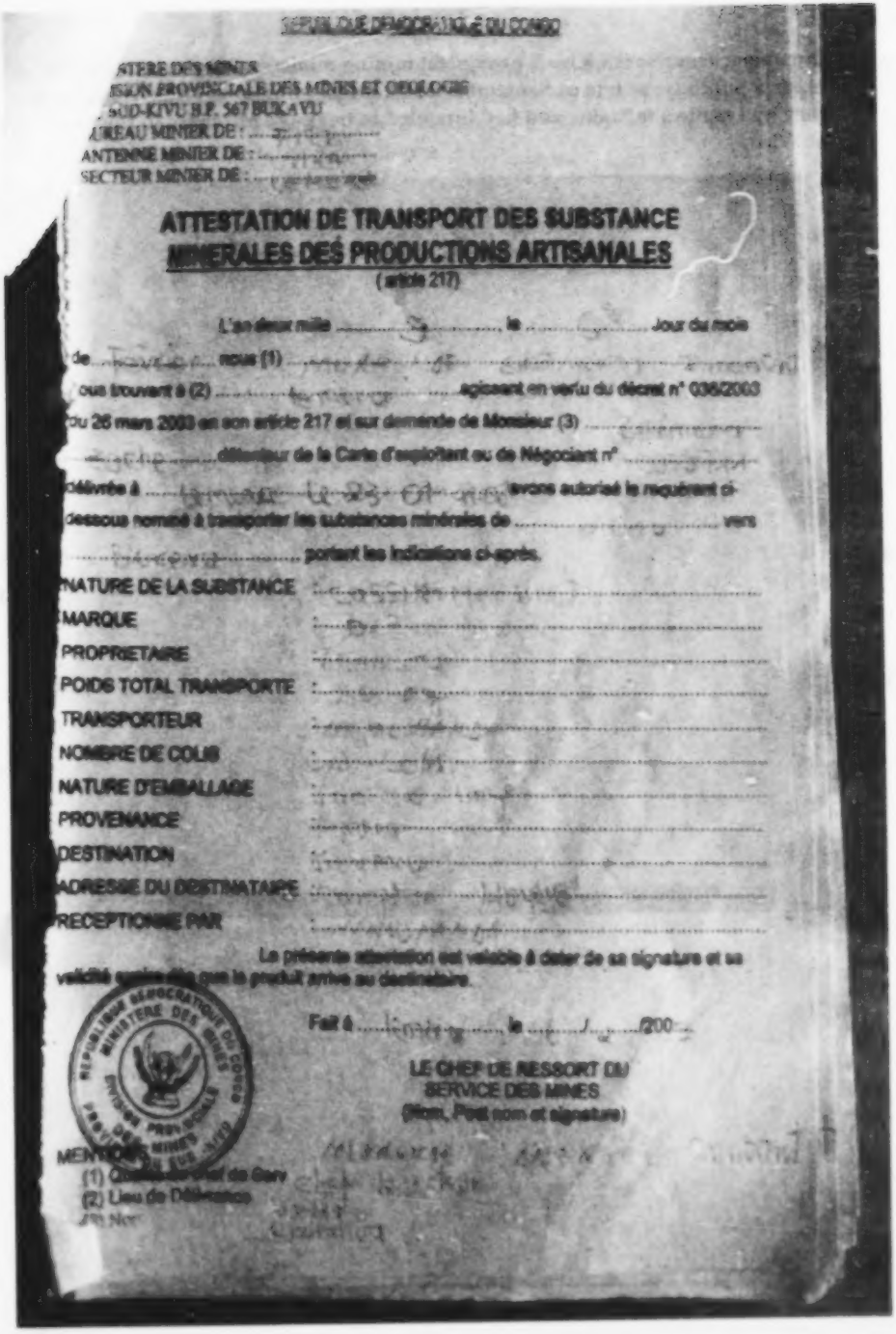
MENTIONS
(1) Qualité du déclarant
(2) Lieu de l'attestation
3) ...



ATTESTATION DE TRANSPORT DES SUBSTANCE MINERALES DES PRODUCTIONS ARTISANALES

NATURE DE LA SUBSTANCE
MARQUE
PROPRIETAIRE
POIDS TOTAL TRANSPORTE
TRANSPORTEUR
NOMBRE DE COLIS
NATURE D'EMBALLAGE
PROVENANCE
DESTINATION
ADRESSE DU DESTINATAIRE
RECEPTIONNE PAR





RÉPUBLIQUE DÉMOCRATIQUE DU CONGO

…STÈRE DES MINES
…SION PROVINCIALE DES MINES ET GEOLOGIE
… SUD-KIVU B.P. 567 BUKAVU
…UREAU MINIER DE : ……
ANTENNE MINIER DE : ……
SECTEUR MINIER DE : ……

ATTESTATION DE TRANSPORT DES SUBSTANCE MINERALES DES PRODUCTIONS ARTISANALES
(article 217)

L'an deux mille ……, le …… Jour du mois de …… nous (1) …… ous trouvant à (2) …… agissant en vertu du décret n° 038/2003 du 26 mars 2003 en son article 217 et sur demande de Monsieur (3) …… détenteur de la Carte d'exploitant ou de Négociant n° …… délivrée à …… avons autorisé le requérant ci-dessous nommé à transporter les substances minérales de …… vers …… portant les indications ci-après.

NATURE DE LA SUBSTANCE : ……
MARQUE : ……
PROPRIETAIRE : ……
POIDS TOTAL TRANSPORTE : ……
TRANSPORTEUR : ……
NOMBRE DE COLIS : ……
NATURE D'EMBALLAGE : ……
PROVENANCE : ……
DESTINATION : ……
ADRESSE DU DESTINATAIRE : ……
RECEPTIONNE PAR : ……

La présente attestation est valable à dater de sa signature et sa validité expire dès que le produit arrive au destinataire.

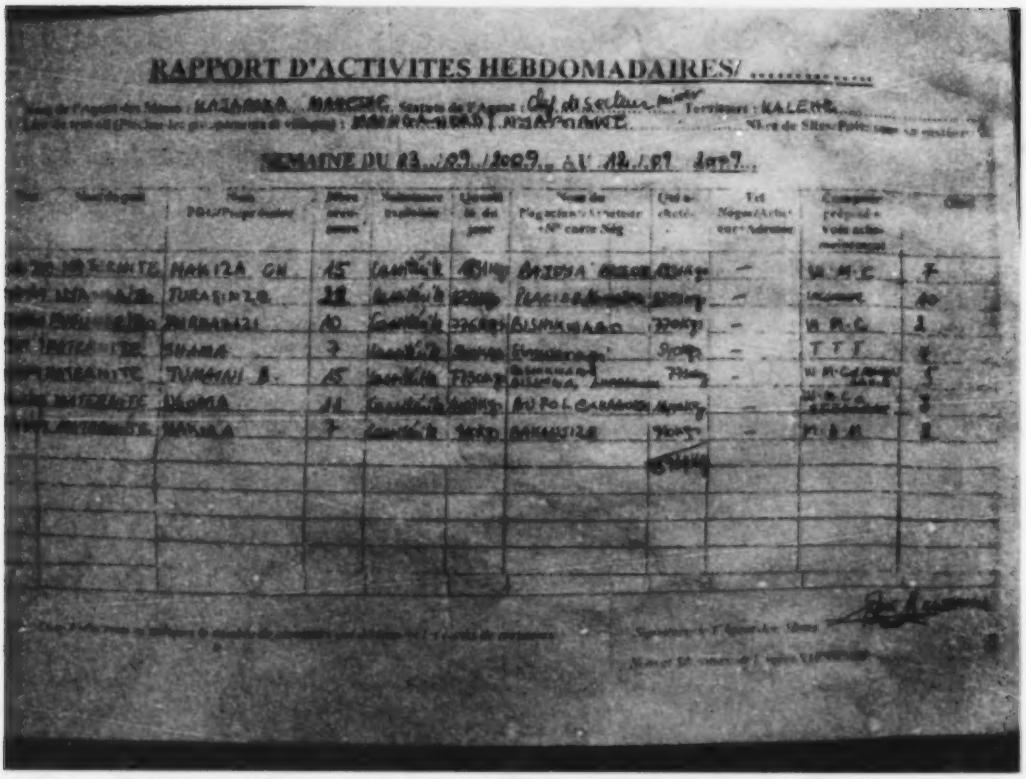
Fait à …… le …… /200…

LE CHEF DE RESSORT DU
SERVICE DES MINES
(Nom, Post nom et signature)

MENTIONS :
(1) Chef de Poste ou Chef de Gare
(2) Lieu de Délivrance
(3) Nom

Annex 56

Document from South Kivu's provincial mining ministry showing that MDM made a purchase as late as September 2009, although mining officials insisted they had made a mistake, and had intended to book the purchase in the name of WMC



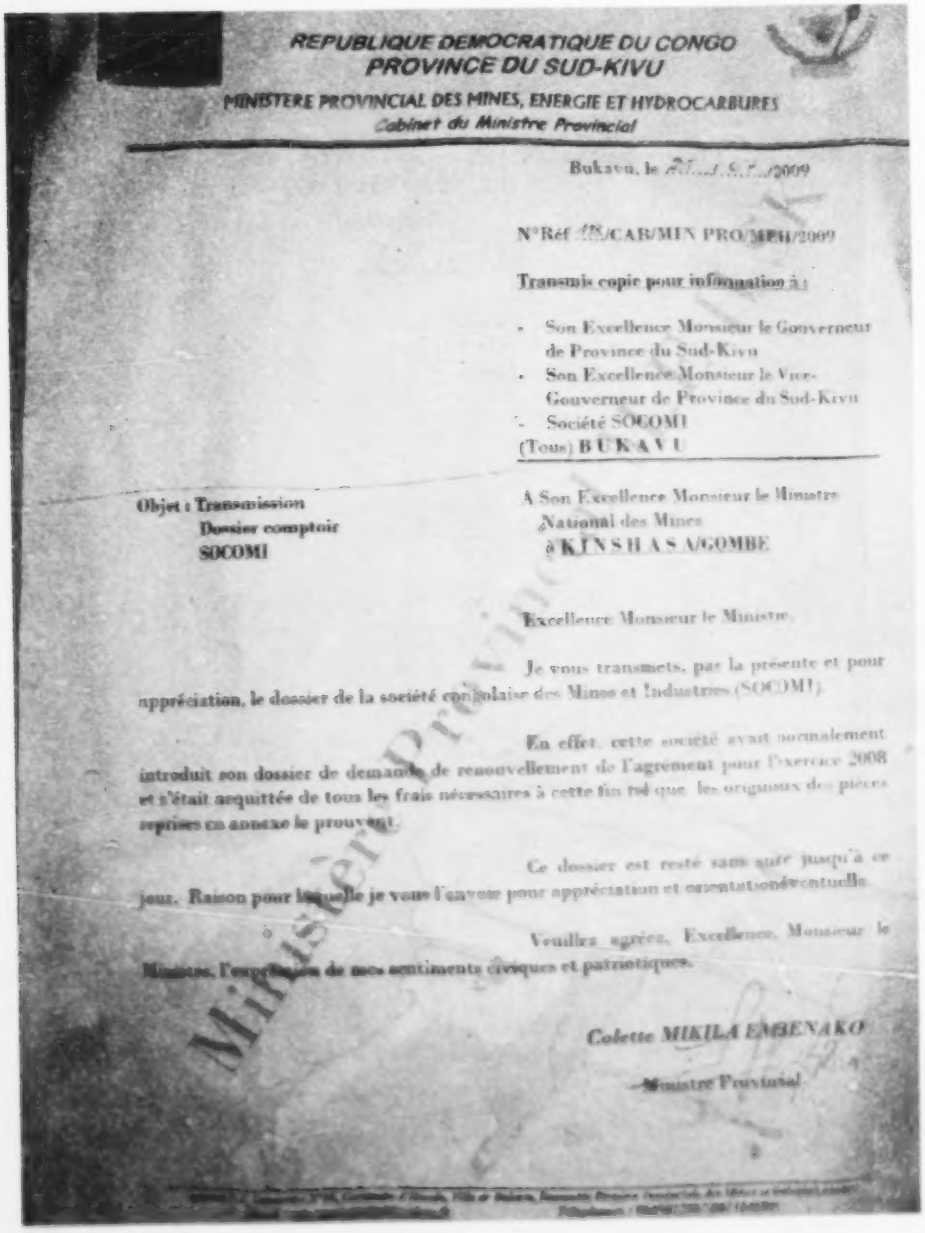
RAPPORT D'ACTIVITES HEBDOMADAIRES/ .....

SEMAINE DU 23../09./2009.. AU 12./09./2009..

	MAKIZA GN	15						W.M.C	7
	TURAINZO	12							10
		10						W.M.C	1
	SUAMA	3						T T T	4
	TUMAINI B.	15							5
	DUOMA	11							3
	MAKULA	7						W.M.	2

Annex 57

Document signed by the South Kivu provincial minister of mines, Colette Embenako, asking the Minister of Mines in Kinshasa to approve an application for an operating licence pending from June 2008 for SOCOMI, a minerals-exporting company owned by Mr. Kotecha



REPUBLIQUE DEMOCRATIQUE DU CONGO
PROVINCE DU SUD-KIVU
MINISTERE PROVINCIAL DES MINES, ENERGIE ET HYDROCARBURES
Cabinet du Ministre Provincial

Bukavu, le 27/.../2009

N°Réf 178/CAB/MIN PRO/MEH/2009

Transmis copie pour information à :

- Son Excellence Monsieur le Gouverneur de Province du Sud-Kivu
- Son Excellence Monsieur le Vice-Gouverneur de Province du Sud-Kivu
- Société SOCOMI

(Tous) B U K A V U

Objet : Transmission
Dossier comptoir
SOCOMI

A Son Excellence Monsieur le Ministre National des Mines
à K I N S H A S A/GOMBE

Excellence Monsieur le Ministre,

Je vous transmets, par la présente et pour appréciation, le dossier de la société congolaise des Mines et Industries (SOCOMI).

En effet, cette société avait normalement introduit son dossier de demande de renouvellement de l'agrément pour l'exercice 2008 et s'était acquittée de tous les frais nécessaires à cette fin tel que les originaux des pièces reprises en annexe le prouvent.

Ce dossier est resté sans suite jusqu'à ce jour. Raison pour laquelle je vous l'envoie pour appréciation et orientationéventuelle.

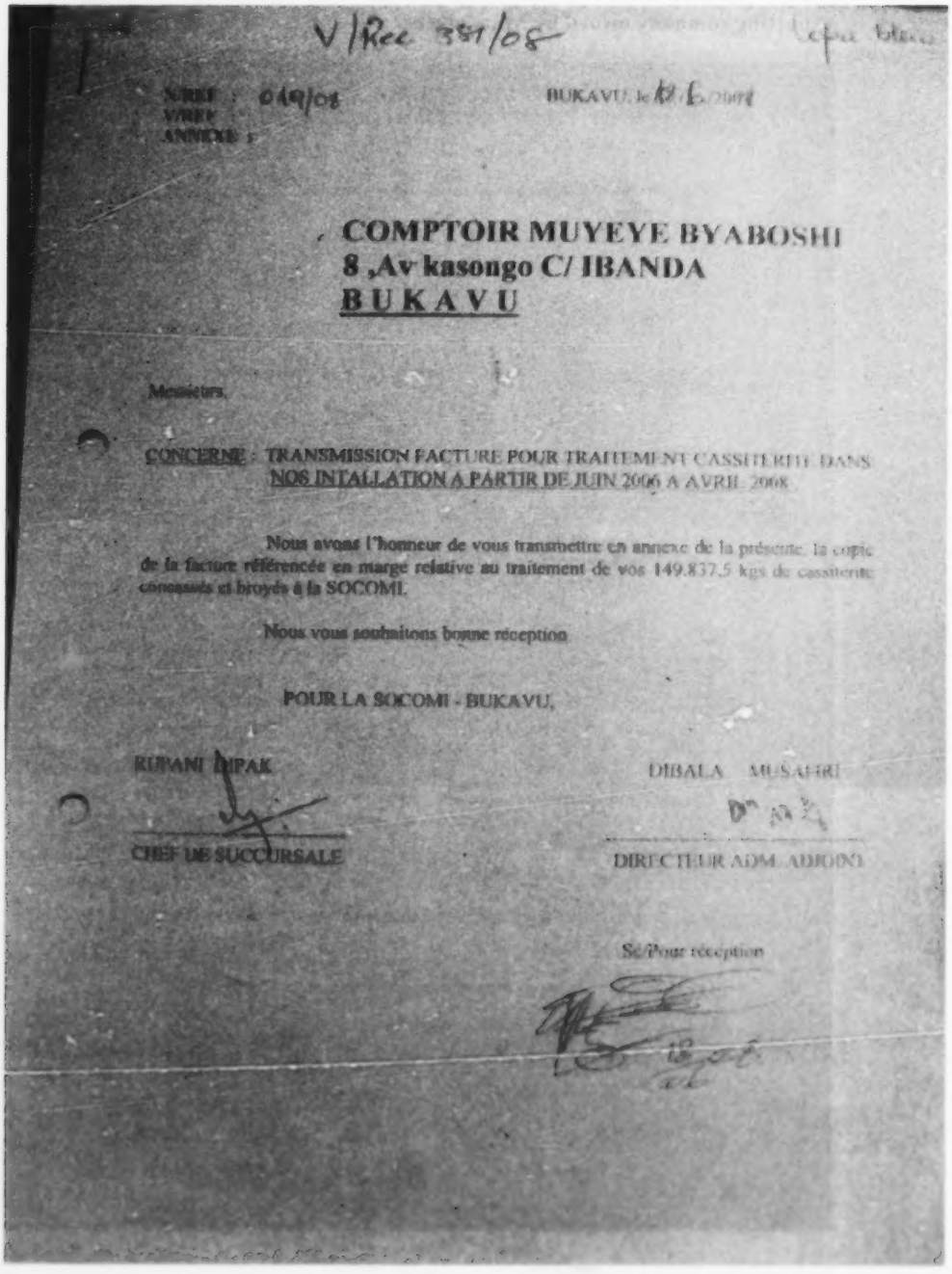
Veuillez agréer, Excellence, Monsieur le Ministre, l'expression de mes sentiments civiques et patriotiques.

Colette MIKILA EMBENAKO
Ministre Provincial

Ministère Provincial

Annex 58

Contract given to the Group by one of Mr. Muyeye's managers and signed by SOCOMI in June 2008



V/Rec 351/08

N/REF : 049/08
V/REF
ANNEXE :

BUKAVU le 12/6/2008

COMPTOIR MUYEYE BYABOSHI
8 ,Av kasongo C/ IBANDA
BUKAVU

Messieurs,

CONCERNE : TRANSMISSION FACTURE POUR TRAITEMENT CASSITERITE DANS NOS INTALLATION A PARTIR DE JUIN 2006 A AVRIL 2008

Nous avons l'honneur de vous transmettre en annexe de la présente, la copie de la facture référencée en marge relative au traitement de vos 149.837,5 kgs de cassiterite concassés et broyés à la SOCOMI.

Nous vous soubaitons bonne réception

POUR LA SOCOMI - BUKAVU,

RUPANI DIPAK

CHEF DE SUCCURSALE

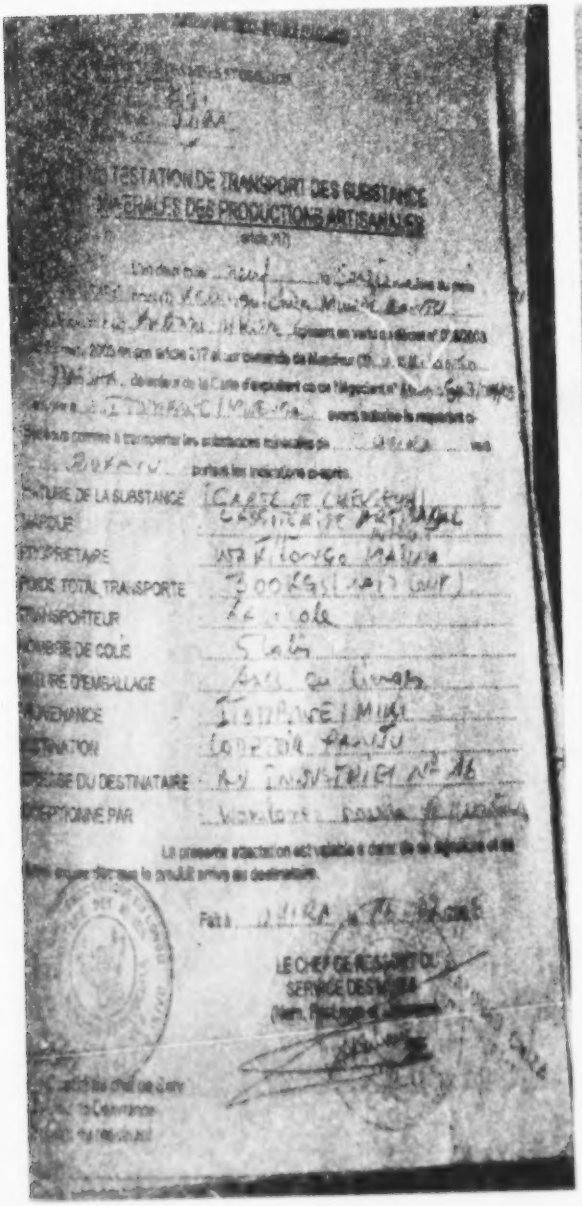
DIBALA MUSAFIRI

DIRECTEUR ADM. ADJOINT

Sé/Pour réception

Annex 59

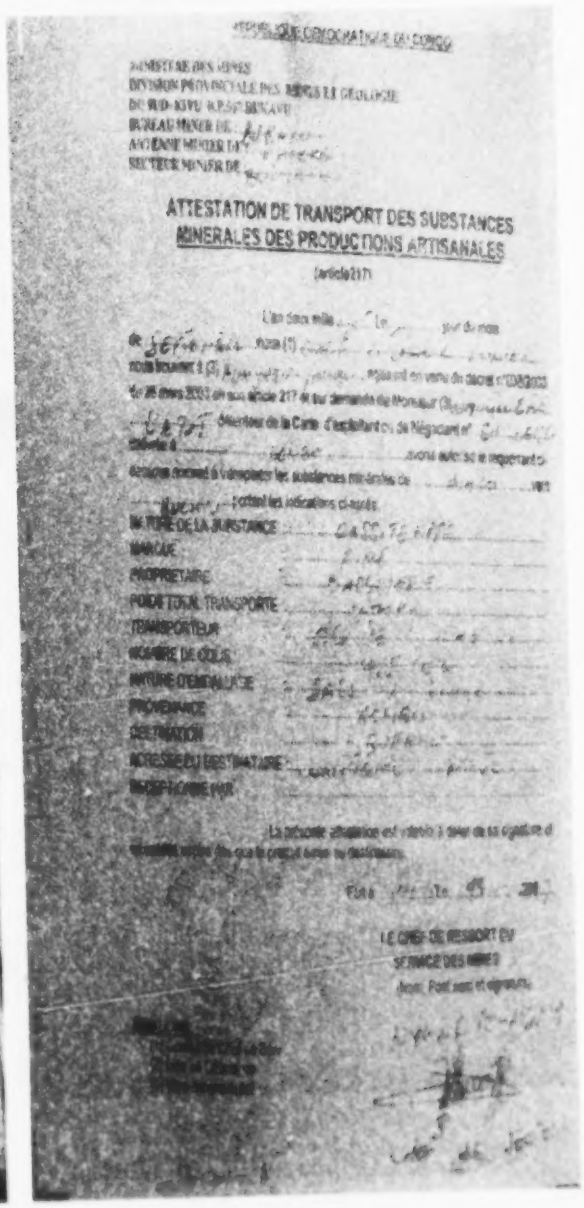
Pieces of government mining documentation showing purchases by Mr. Panju from Miki in the Itombwe region, as well as the Hombo region



ATTESTATION DE TRANSPORT DES SUBSTANCE
MINERALES DES PRODUCTIONS ARTISANALES

NATURE DE LA SUBSTANCE
MARQUE
PROPRIETAIRE
POIDS TOTAL TRANSPORTE
TRANSPORTEUR
NOMBRE DE COLIS
NATURE D'EMBALLAGE
PROVENANCE
DESTINATION
ADRESSE DU DESTINATAIRE
ESCORTE PAR

LE CHEF DE RESSORT DU
SERVICE DES MINES



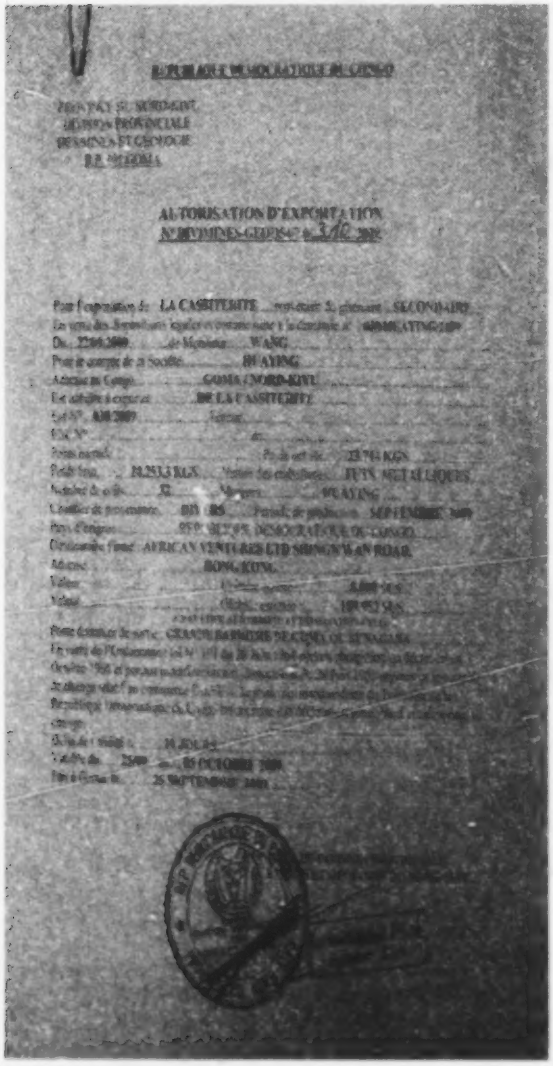
ATTESTATION DE TRANSPORT DES SUBSTANCES
MINERALES DES PRODUCTIONS ARTISANALES
(article 217)

NATURE DE LA SUBSTANCE
MARQUE
PROPRIETAIRE
POIDS TOTAL TRANSPORTE
TRANSPORTEUR
NOMBRE DE COLIS
NATURE D'EMBALLAGE
PROVENANCE
DESTINATION
ADRESSE DU DESTINATAIRE
ESCORTE PAR

LE CHEF DE RESSORT DU
SERVICE DES MINES

Annex 60

Documents and confirmation from HTC that the company sells its material to the Malaysia Smelting Corporation as well as a company known as African Ventures Ltd., which is a Samoan-registered company with a Hong Kong, China, address

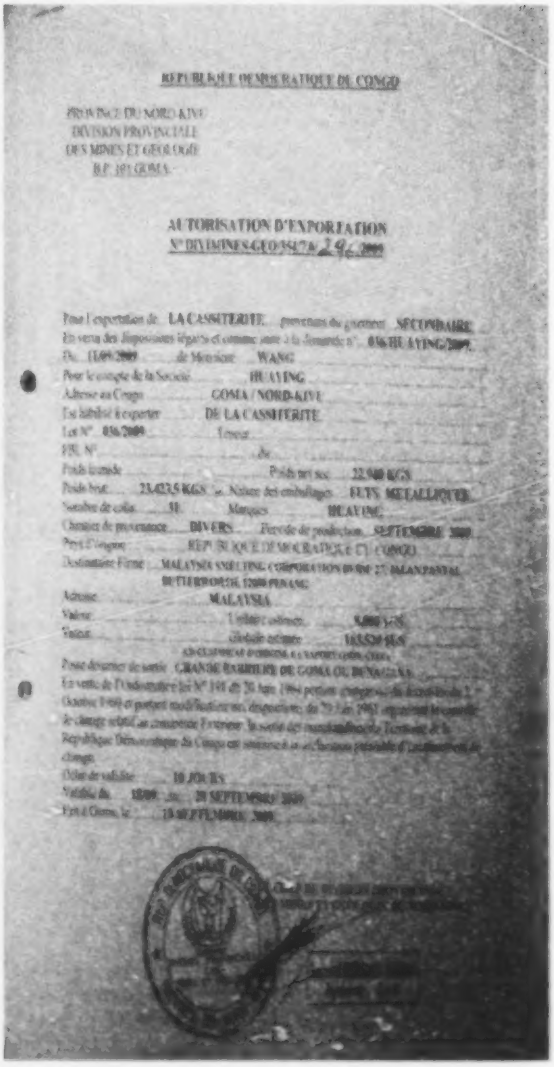


RÉPUBLIQUE DÉMOCRATIQUE DU CONGO

PROVINCE DU NORD-KIVU
DIVISION PROVINCIALE
DES MINES ET GÉOLOGIE
B.P. 101 GOMA

AUTORISATION D'EXPORTATION
N° DIVMINES-GEO/347/A/ 316 /2009

Pour l'exportation de : LA CASSITERITE provenant du gisement : SECONDAIRE
En vertu des dispositions légales et comme suite à la demande n° : 036/HUAYING/2009
Du : 22/09/2009 de Monsieur : WANG
Pour le compte de la Société : HUAYING
Adresse au Congo : GOMA / NORD-KIVU
Est habilité à exporter : DE LA CASSITERITE
Lot N° : 036/2009 Tonnes :
FIX. N° : Av :
Poids taxable : Poids net sec : 23.792 KGS
Poids brut : 24.253,3 KGS Nature des emballages : FUTS METALLIQUES
Nombre de colis : 32 Marques : HUAYING
Chantiers de provenance : DIVERS Période de production : SEPTEMBRE 2009
Pays d'origine : REPUBLIQUE DEMOCRATIQUE DU CONGO
Destinataire Firme : AFRICAN VENTURES LTD SHING WAN ROAD
Adresse : HONG KONG
Valeur : Valeur estimée : 8.000 US$
Visa : Droit de sortie : 189.952 US$
CONFORME AU CONTENU DU PRESENT AUTORISATION
Poste douanier de sortie : GRANDE BARRIERE DE GOMA OU BUNAGANA
En vertu de l'Ordonnance loi N° 141 du 26 Juin 1964 portant création des droits de sortie à l'
Ouest N°69-041 et portant modification subséquente, dispositions du 29 Juin 1982 régissant le contrôle
de change relatif aux transferts à l'extérieur la sortie des marchandises du Territoire de la
République Démocratique du Congo est soumise à un taux fixe payable à l'établissement du
change.
Délai de validité : 10 JOURS
Valable du 25/09 au 05 OCTOBRE 2009
Fait à Goma, le 25 SEPTEMBRE 2009



RÉPUBLIQUE DÉMOCRATIQUE DU CONGO

PROVINCE DU NORD-KIVU
DIVISION PROVINCIALE
DES MINES ET GÉOLOGIE
B.P. 101 GOMA

AUTORISATION D'EXPORTATION
N° DIVMINES-GEO/347/A/ 29 /2009

Pour l'exportation de : LA CASSITERITE provenant du gisement : SECONDAIRE
En vertu des dispositions légales et comme suite à la demande n° : 036/HUAYING/2009
Du : 11/09/2009 de Monsieur : WANG
Pour le compte de la Société : HUAYING
Adresse au Congo : GOMA / NORD-KIVU
Est habilité à exporter : DE LA CASSITERITE
Lot N° : 036/2009 Tonnes :
FIX. N° : Av :
Poids taxable : Poids net sec : 22.940 KGS
Poids brut : 23.423,5 KGS Nature des emballages : FUTS METALLIQUES
Nombre de colis : 31 Marques : HUAYING
Chantiers de provenance : DIVERS Période de production : SEPTEMBRE 2009
Pays d'origine : REPUBLIQUE DEMOCRATIQUE DU CONGO
Destinataire Firme : MALAYSIA SMELTING CORPORATION BOITE 27, BALBOA POSTAL
BUTTERWORTH, 12000 PENANG
Adresse : MALAYSIA
Valeur : Valeur estimée : 8.000 US$
Visa : Droit de sortie : 183.509 US$
CONFORME AU CONTENU DU PRESENT AUTORISATION
Poste douanier de sortie : GRANDE BARRIERE DE GOMA OU BUNAGANA
En vertu de l'Ordonnance loi N° 141 du 26 Juin 1964 portant création des droits de sortie à l'
Ouest N°69-041 et portant modification subséquente, dispositions du 29 Juin 1982 régissant le contrôle
de change relatif aux transferts à l'extérieur la sortie des marchandises du Territoire de la
République Démocratique du Congo est soumise à un taux fixe payable à l'établissement du
change.
Délai de validité : 10 JOURS
Valable du 12/09 au 20 SEPTEMBRE 2009
Fait à Goma, le 15 SEPTEMBRE 2009

Annex 61

Document showing Refractory Metals Mining Co. (RMMC) Ltd.'s address in Hong Kong, China. African Ventures Ltd. is also based on the same road as RMMC

REFRACTORY METALS MINING CO. LTD.

1008A Shing Chuen Ind Bldg
25 Shing Wan Road, Shatin, Hong Kong

Tel +852 2601 0129
Fax +852 2694 6782
ksj@rmmc.com.hk

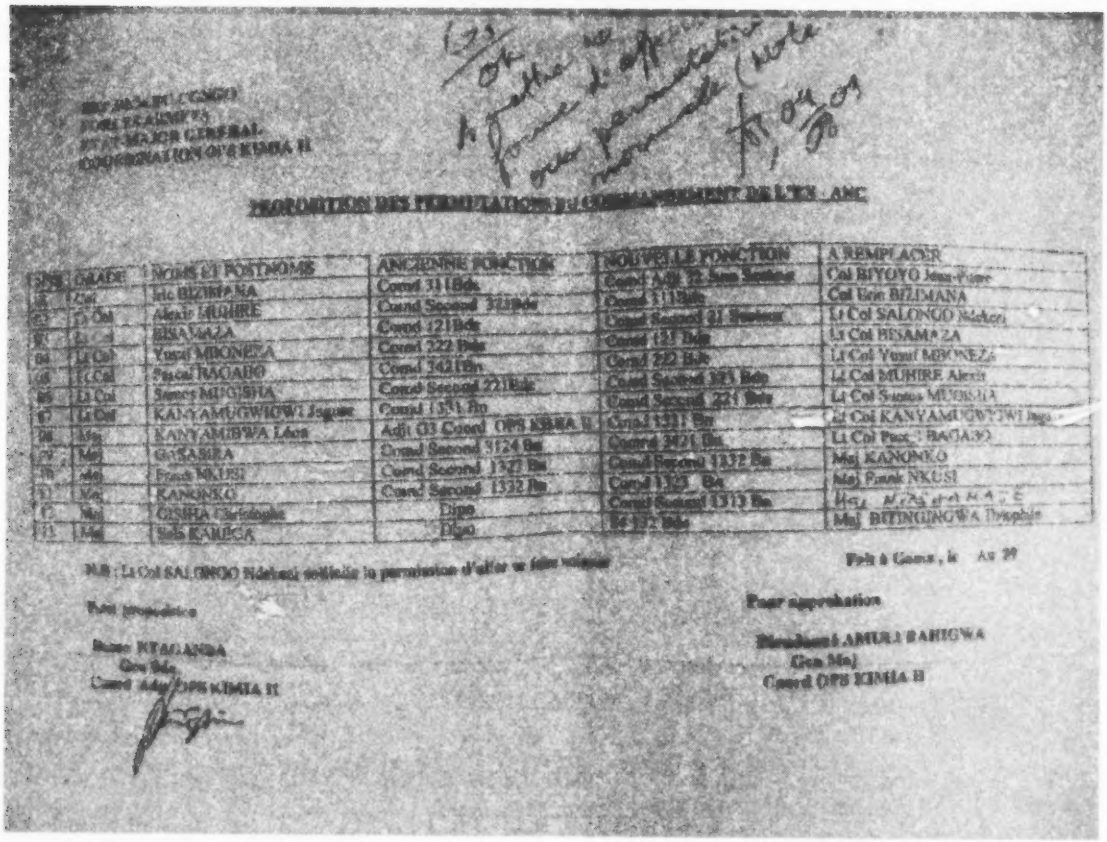
To: THAISARCO
Our ref#SN225

FORM C1

Republic of Rwanda CERTIFICATE OF ORIGIN	COMPTOIR'S DECLARATION CERTIFICATE
COMPTOIR: name	STE. HUA YING TRADING COMPANY SPRL
NRC OR IMPORT/EXPORT #	5-128-N49611E
DESCRIPTION OF MATERIAL: MATERIAL:	CASSITERITE
DESCRIPTION:	COARSE, DRY
GRAIN SIZE:	-----
GRAVIMETRIC ANALYSIS (% Sn)	60.24%
COLOUR:	GREY & BROWN
WEIGHT:	22500 net weight
ORIGIN OF MATERIAL:	
MINE/CONCESSION AREA:	REPUBLIQUE DEMOCRATIQUE DU CONGO
NEAREST TOWN:	GOMA
MINED BY:	ARTISANAL MINERS
COLOUR:	GREY & BROWN
MINE CONTROLLED BY:	DRC GOVERNMENT
SUPPLY ROUTE:	
MODE OF TRANSPORT	BY TRUCK / BY SEA
TRANSPORT COMPANY	MAERSK RWANDA LTD
ARMED GROUP/INVOLVEMENT?	---
SUPPLIER:	
NEGOCIANT:	STE. HUA YING TRADING COMPANY SPRL
AUTHORISATION NUMBER:	5-128-N49611E
BUYER:	
TRADER/SMELTER:	THAISARCO

Annex 62

FARDC document signed by General Ntaganda, in August 2009, as deputy operational commander of Kimia II; this document refers to Kimia II deployments but is not signed by General Dieudonne Amuli, the Kimia II operational commander. The Group understands that several deployments took place anyway.



N°	GRADE	NOMS ET POSTNOMS	ANCIENNE FONCTION	NOUVELLE FONCTION	A REMPLACER
01	Col	Eric BIZIMANA	Coord 31 Bde	Coord Adj 31 Sous Secteur	Col BIYOYO Jean-Pierre
02	Lt Col	Alexis HUHIRE	Coord Second 321Bde	Coord 311Bde	Col Eric BIZIMANA
03	Lt Col	BISAMAZA	Coord 121Bde	Coord Second 31 Secteur	Lt Col SALONGO Ndakoni
04	Lt Col	Yusuf MBONEZA	Coord 322 Bde	Coord 121 Bde	Lt Col BISAMAZA
05	Lt Col	Pascal BAGABO	Coord 342 Bn	Coord 322 Bde	Lt Col Yusuf MBONEZA
06	Lt Col	Samuel MUGISHA	Coord Second 221Bde	Coord Second 342 Bde	Lt Col MUHIRE Alexis
07	Lt Col	KANYAMUGWIOWI Jacques	Coord 1331 Bn	Coord Second 221 Bde	Lt Col Samuel MUGISHA
08	Maj	KANYAMIBWA Léon	Adjt 03 Coord OPS KIMIA II	Coord 1331 Bn	Lt Col KANYAMUGWIOWI Jacques
09	Maj	GASASIRA	Coord Second 3124 Bn	Coord 3421 Bn	Lt Col Pascal BAGABO
10	Maj	Frank MUISI	Coord Second 1327 Bn	Coord Second 1332 Bn	Maj KANONKO
11	Maj	KANONKO	Coord Second 1332 Bn	Coord 1325 Bn	Maj Frank NKUSI
12	Maj	GISHA Christophe	Dipo	Coord Second 1313 Bn	Maj [illegible]
13	Maj	Jules KAMEGA	Dipo	[illegible]	Maj BITINGINGWA Théophile

N.B : Lt Col SALONGO Ndakoni retiré la permission d'aller se faire soigner

Fait à Goma, le Ao 09

Pour approbation

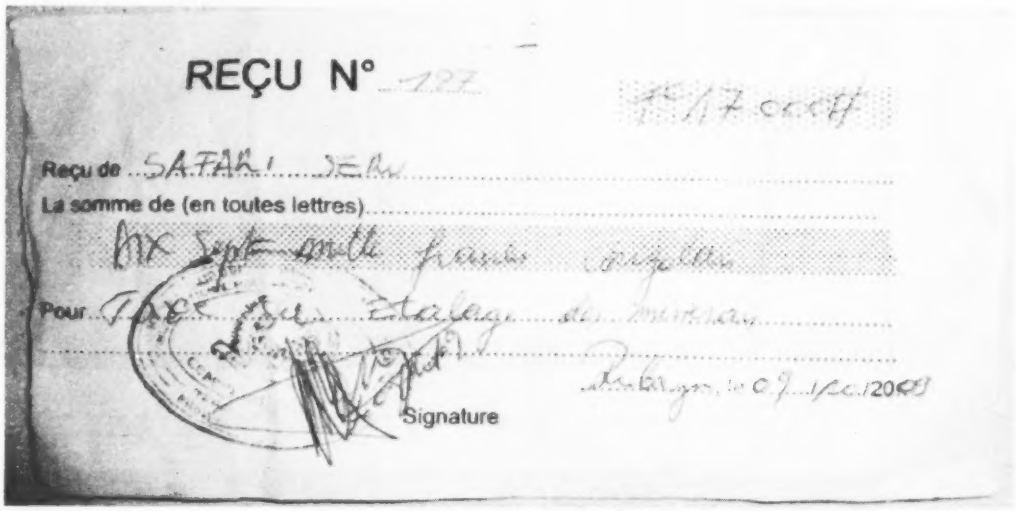
Président AMURI BAHIGWA
Gen Maj
Coord OPS KIMIA II

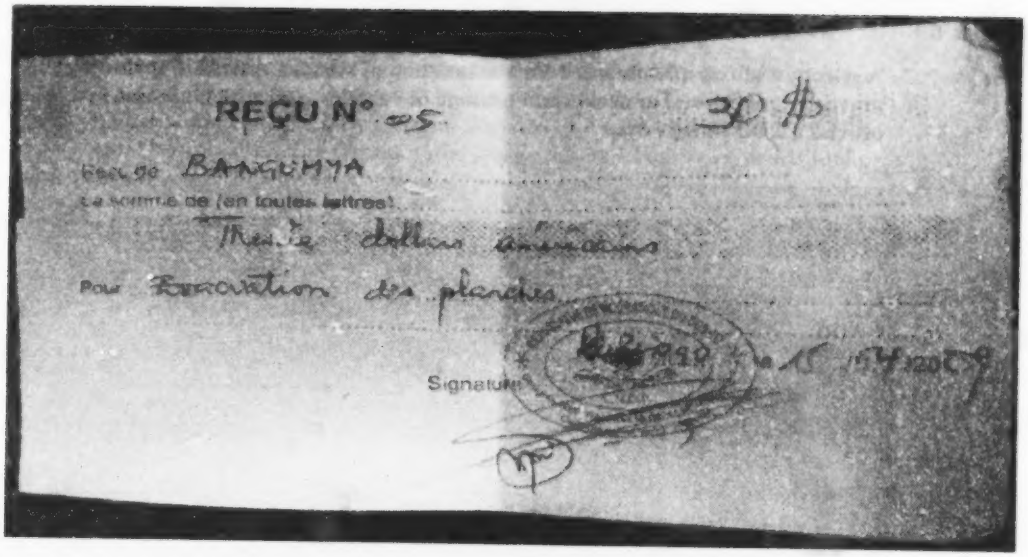
Pour proposition

Major NTAGANDA
Gen Bde
Coord Adj OPS KIMIA II

Annex 63

A selection of receipts obtained for the taxation of various activities, including the movement of timber, minerals and passage of vehicles, and which are marked by official CNDP stamps





REÇU N° 05 30 $

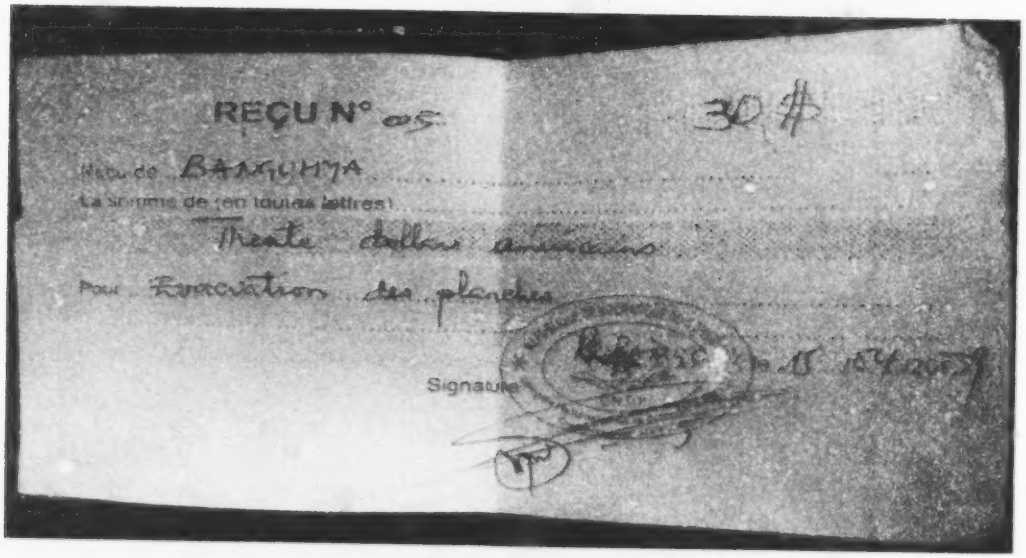
Reçu de BANGUMYA

La somme de (en toutes lettres)

Mille trente dollars américains

Pour Excavation des planches

Signature



REÇU N° 05 30 $

Reçu de BANGUMYA

La somme de (en toutes lettres)

Mille trente dollars américains

Pour Excavation des planches

Signature

Annex 64

Document confirming that Aerospace Consortium (FZE) in Fujairah, United Arab Emirates leased the white Mi-8 helicopter on 27 January 2009 to the Minister of Interior Security and Decentralization of the Democratic Republic of the Congo represented by the Congolese National Police

HELICOPTER

LEASE AGREEMENT No.: AB-1/2009/1/Goma/MTV

The present AGREEMENT made on January 27th 2009 and signed in at Goma (DRC) between:

Aerospace Consortium (FZE) a company registered in Free Zone, Fujairah, U.A.E., hereinafter referred to as the "***LESSOR***"
And
Minister of Interior Security and De-Centralization of the Democratic Republic of Congo represented by the Police Nationale Congolaise having its principal office at Kinshasa, hereinafter referred to as the "***LESSEE***"
with the local oversight of the above said contract with Air Lualaba Sprl for the helicopter Mi-8MTV registration UR-HLC based at Goma.

Lessor and Lessee hereinafter referred to collectively as Parties and separately as Party agreed herein as follows:

DEFINITIONS

AGREEMENT - shall mean the present Helicopter Lease Agreement, including all appendixes, annexes, amendments, protocols and any other written documents to be signed by the Parties hereto in the future and being its integral part.

AIRCRAFT - shall mean one Mi- 8 MTV leased hereunder, equipped with engines and complete set of communication, navigation and emergency equipment, accessories, devices and instruments, meeting the flight safety standards, technical and commercial requirements for the Helicopter of this type.

LEASING - Shall mean lease as per ACMI (Aircraft, Crew, Maintenance, Insurance).

1. LEASE OF HELICOPTER

1.1 Lessor shall lease to Lessee and Lessee shall lease from Lessor the Helicopter, subject to the terms and conditions herein provided, and in airworthy condition and fit to perform international and domestic flights. The Helicopter shall have sufficient available lifetime perform flights within the whole term of the Agreement.

1.2 The Helicopter shall be used for transportation of passengers, cargo and mail of Lessee only over the approved routes and under no condition can the Helicopter can be used for military operations or in areas of hostilities or for carriage of cargo, prohibited for transportation by the governments of the contracting Parties.

1.3 The Helicopter shall conform to all technical specifications valid for the type of Helicopter.

1.4 The legal ownership of the Helicopter shall be and at all times will remain with the Lessor and under no conditions it can be proclaimed to be the property of the Lessee or a third party, nor it can be detained in connection with any liability of the Lessee. During the term hereof Lessee shall not directly or indirectly create, incur, assume or allow to occur any lien, mortgage, charge or any other encumbrance upon or against the Helicopter or any spare parts title thereto or any interest of the Lessor therein. In case of any arrest, claim, lien, mortgage or other penalties with respect to the Helicopter or its spare parts that may occur as the result of the fault of the Lessee, all and any losses or risks of loss of the Helicopter or damage to the Helicopter shall be borne by the Lessee.

1.5 Lessee shall have AOP or AOC valid in the DRC and shall obtain all documents, certificates and licenses required for the Helicopter and the crew in this respect, and shall complete registration of the Helicopter under their AOC in accordance with legislation of DRC and provide the relevant registration certificates to the Lessor.

1.6 In the event of any aviation accident or incident arising from the operations pursuant hereto the investigation thereof shall be effected in accordance with Annex 13 to the Convention on International Civil Aviation of ICAO. Lessee shall immediately inform Lessor of such occurrence, and will carry out the investigation and gather evidences.

1.7 Lessor will be entitled to send from time to time its authorized representative for inspection of proper fulfilment of the Agreement. The results of such inspection shall be reflected in the written report to be signed by the duly authorized representatives of the parties hereto.

1.8 Lessor shall provide the crew with all required flight documentation.

AEROSPACE CONSORTIUM FZE
18, Fujairah Free Zone
P.O. Box : 1729, U.A.E

18. GENERAL PROVISIONS

18.1 The Parties hereto will be entitled to make alterations, amendments, annexes and appendixes to the present Agreement. All such alterations, amendments and appendixes shall be made in writing and form integral part hereof.

18.2 The heading of each paragraph is intended for reference purposes only and shall not to be considered as part of this Agreement.

18.3 This Agreement is subject to approval by all Governmental institutions concerned, as well as by the insurance companies involved.

19. LEGAL ADDRESSES AND BANK ACCOUNTS OF THE PARTIES

LESSOR

BALI BHININDER SINGH

AEROSPACE CONSORTIUM FZE
Free Zone, Fujairah, U.A.E.
Tel: + 971506341643
Fax: + 97142997465
E-mail: bali@aerosc.com

AEROSPACE
CONSORTIUM FZE
19, Fujairah Free Zone
P.O. Box : 1725, U.A.E

Representing:

FRITTI LUALABA.

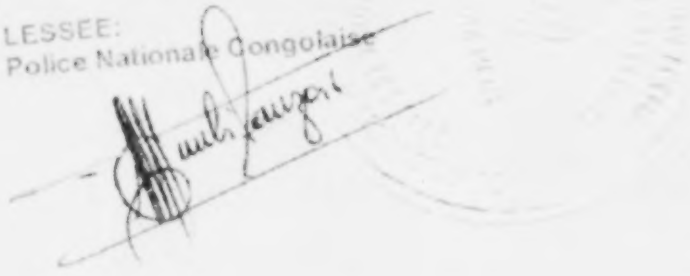
AIR LUALABA
Tel: 0971260510
E-mail: airlualaba@yahoo.fr

LESSEE:
Police Nationale Congolaise

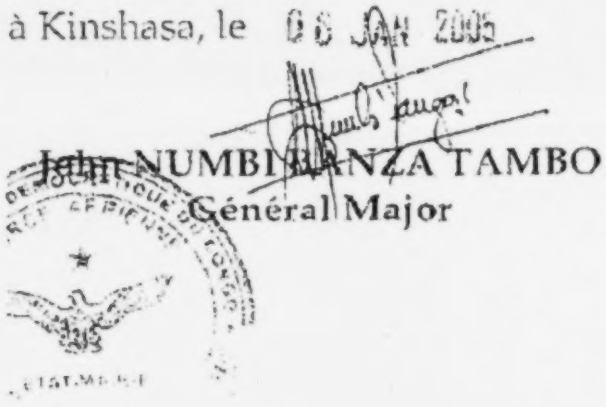
Annex 65

Comparison of signatures of General John Numbi. The first signature appears in the leasing agreement to the Congolese National Police of January 2009 for the Mi-8 helicopter (see annex 64). The second signature appears in a Democratic Republic of the Congo end-user certificate obtained from a country which supplied military equipment to the Democratic Republic of the Congo in the past.

UR-HLC Contract Signature January 2009



Mi-24 End Use Certification January 2005



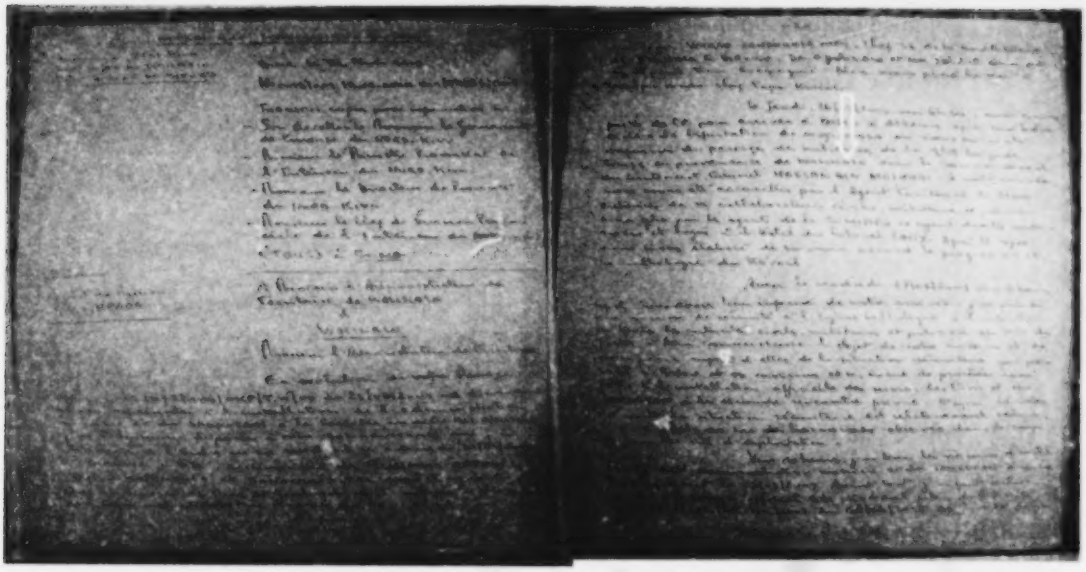
Le Chef d'Etat-Major de la Force Aérienne Congolaise

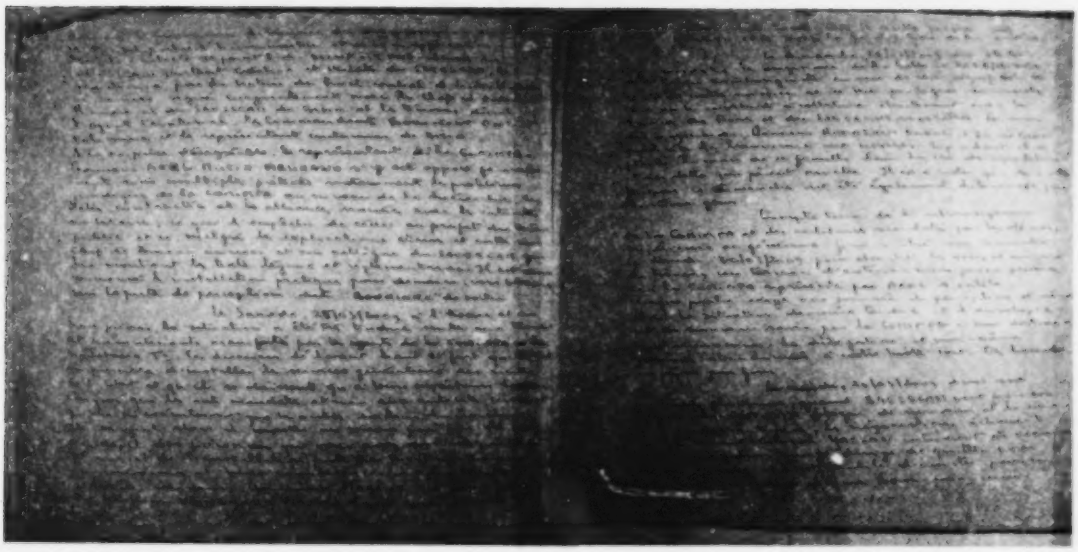
John NUMBI BANZA TAMBO

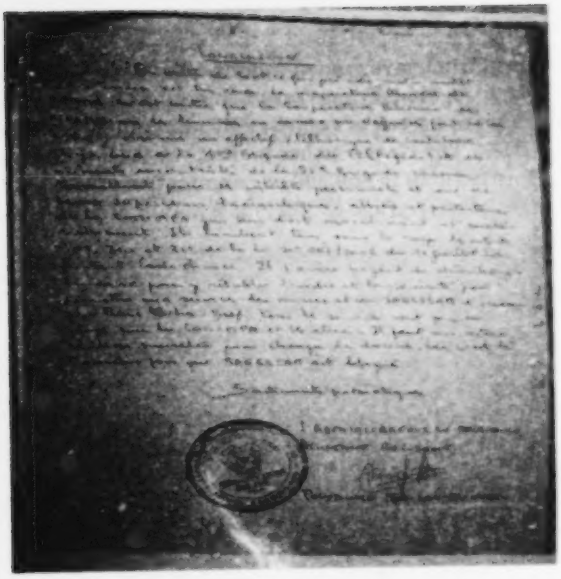
Général Major

Annex 66

Document issued by a local government official in Walikale detailing how Lieutenant Colonel Bin Mashabi took control of the mine and imposed his taxation rackets

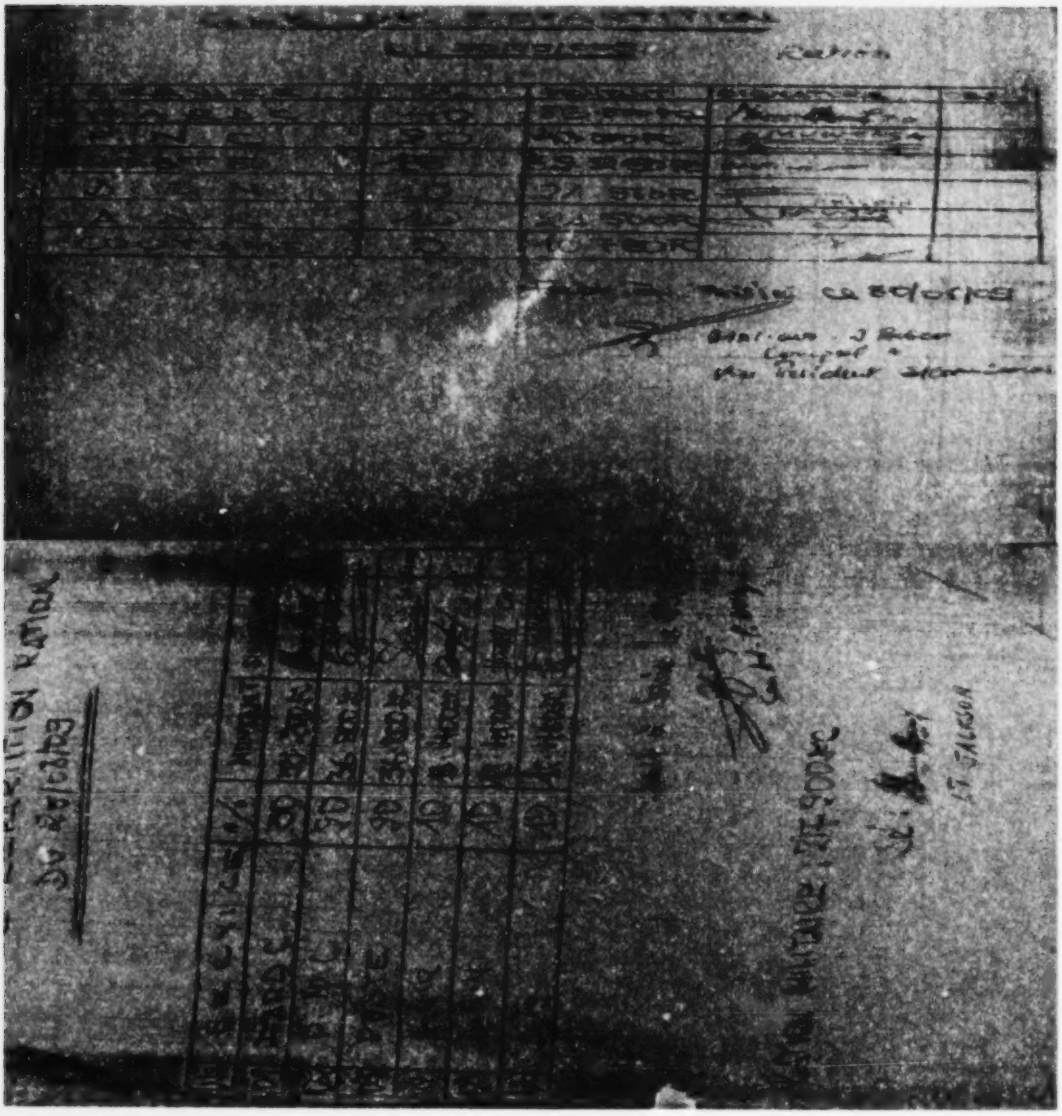






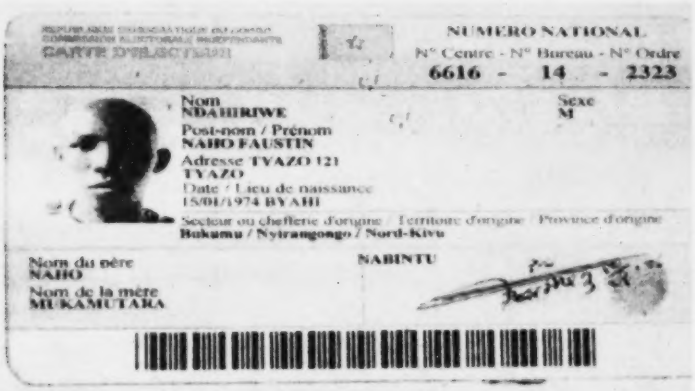
Annex 67

Document obtained from government mining officials in Walikale claiming that out of every 2,000 Congolese Francs taxed on each 50 kilogram sack of cassiterite mined, 1,000 Francs are given to security officials, and 30 to 40 per cent of that sum goes to FARDC. The Group estimates that the local military commanders at Bisie can therefore earn up to $60,000 per annum from these taxes, based on industry estimates of an average of 500 tons a month of production from Bisie.



Annex 68

Mr. Ndahiriwe's identification document and his Government-issued trading licence which a former bodyguard of Colonel Manzi correctly identified as belonging to Mr. Ndahiriwe, who he also identified as the brother of Lieutenant Colonel Bin Mashabi



CARTE D'ELECTEUR

NUMERO NATIONAL
N° Centre - N° Bureau - N° Ordre
6616 - 14 - 2323

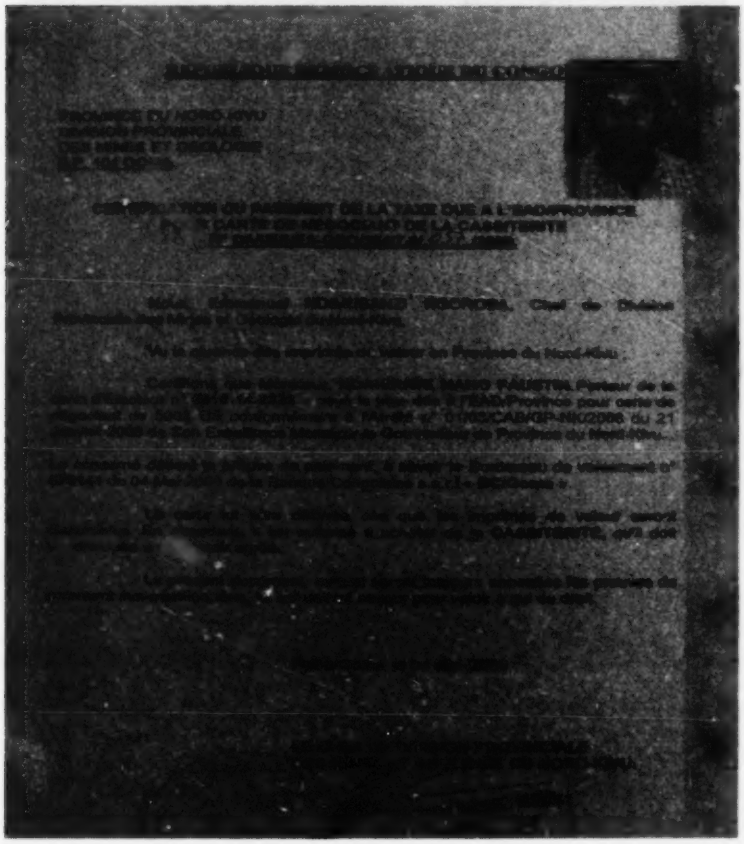
Nom
NDAHIRIWE
Post-nom / Prénom
NAHO FAUSTIN
Adresse TVAZO 121
TVAZO
Date / Lieu de naissance
15/01/1974 BYAHI

Sexe
M

Secteur ou chefferie d'origine / Territoire d'origine / Province d'origine
Bukumu / Nyirangongo / Nord-Kivu

Nom du père
NAHO
Nom de la mère
MUKAMUTARA

NABINTU

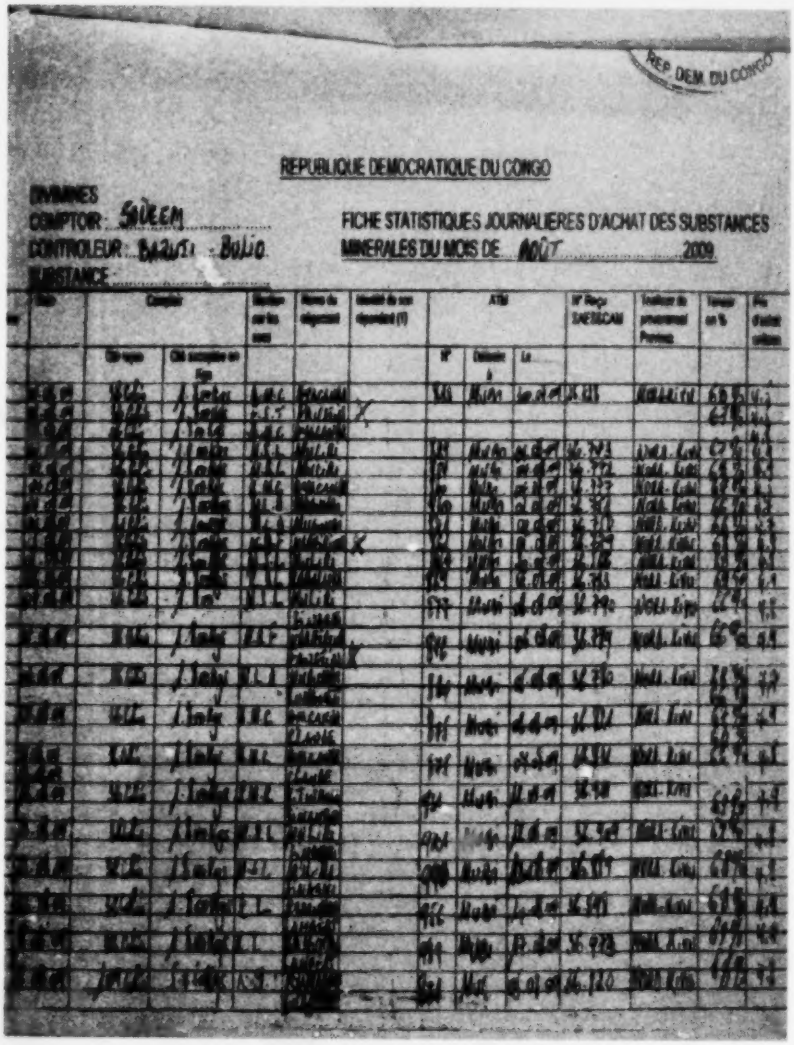


Annex 69

Bagged minerals taken near Bisie mine, in Faustin Ndahiriwe's name

Annex 70

Documents obtained respectively from SODEEM, Pan African Business Group (PABG) and Hill Side showing that each of these three companies purchased cassiterite from Mr. Ndahiriwe in 2009



REP. DEM. DU CONGO

REPUBLIQUE DEMOCRATIQUE DU CONGO

BYUMBES

COMPTOIR : SODEEM

CONTROLEUR : BAZIRI - BULIO

SUBSTANCE :

FICHE STATISTIQUES JOURNALIERES D'ACHAT DES SUBSTANCES MINERALES DU MOIS DE AOÛT 2009

III. COMMENTAIRES :

Notre exploitation se résume aux étapes ci-après :

- Les prélèvements et les approvisionnements de divises sont pris en main par notre banque correspondante le « B.I.C » rattachant à la Banque Centrale Congolaise. L'utilisation de ces fonds nous permet d'investir (achat parcelle, matériel roulant, matériels d'exploitation,...) à fin de faire l'objet de la commande et nos opérations qui intéressent différents départements ;

Toutes nos exportations sont matérialisées par des bordereaux modèle E approuvés par notre banque collaboratrice, « la Banque International du Crédit », (B.I.C) les étapes mentionnant notre exploitation sont les suivants :

1. Achat cassitérite

La cassitérite que nous achetons provient en grande partie dans le territoire de Walikale en Province du Nord-Kivu et à Lubero dans la Province du Maniema. Sur ce, nous vous proposons la liste des négociants qui nous fournissent la cassitérite:

Tableau n°1. Listes de négociants agréés

N	Noms et Post noms	N° Carte de négociant
01	MUDUMBI KOMERE Justin	002/2009
02	KAMBALE KITULI RADOT	004/2009
03	KITWANA SIMSI	010/2009
04	BATASEMA BUYENGE	014/2009
05	BURUME CHIMANUKA Pascal	018/2009
06	MUTOMBO TCHIMANA	026/2009
07	MATABARO SAMSON	035/2009
08	MATABARO BULIMWENGU	074/2009
09	MULAGO MUDUMBI	066/2009
10	KWABENE MUZALIWA	069/2009
11	BASHOMBANA CHIGASHAMA COQ	070/2009
12	KAMUMBA Lambert	052/2009
13	SALEH KITSA LARSON	059/2009
14	KABALAMA NDALA Luc	076/2009
15	RAMAZANI MBANGA	062/2009
16	NDAHIRIWE NAHO Faustin	057/2009

Pour les statistiques d'achat mensuel de la cassitérite, nous vous fournissons un rapport en annexe allant du mois de Janvier à Juin 2009 avec l'identification et la quantité achetée par négociant.

2. Traitement de la cassitérite

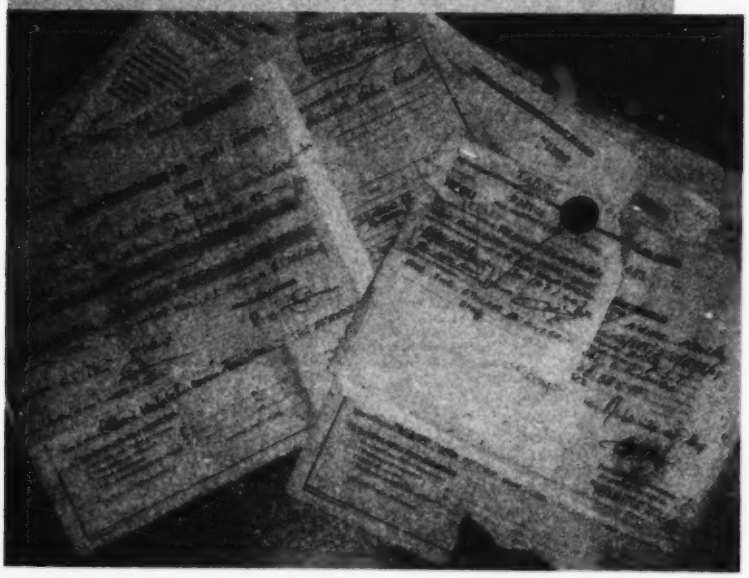
Notre traitement consiste à faire le broyage, le lavage à la boite chinoise, le jig traditionnel et l'entretien manuel de la cassitérite.

3. Entreposage cassitérite

L'entreposage de la cassitérite après traitement est effectué en présence des services des Mines habilités et recommandés par la Division de Mine de la Province, de l'OFIDA, de l'OCC, la CEEC, AMR....

4. Pesage et Chargement des fûts dans le container

Le pesage et le chargement sont effectués par la société TMX en présence d'un agent du comptoir PABO et de ceux de l'OFIDA et de l'OCC



Annex 71

Report from Hill Side showing that the company purchased only 7,530 kilos of cassiterite from Walikale between January and the end of April 2009

[redacted]
NRC : 3022 GOMA
Ident.Nat : 5-93-N4690
REPUBLIQUE DEMOCRATIQUE DU CONGO
+250788635331, 0998673995,

STATISTIQUES DES ACHATS : Janvier - Avril 2009

DATE	QUANTITE (En kg)	NATURE	PROVENENCE	FOURNISSEUR
12/2/2009	1680	Cassitérite rouge	walikale	SADOC Kitsa
18/3/2009	1200	Cassitérite rouge	walikale	SADOC Kitsa
19/3/2009	1750	Cassitérite rouge	walikale	SADOC Kitsa
20/3/2009	1200	Cassitérite rouge	walikale	SADOC Kitsa
23/4/2009	1700	Cassitérite rouge	walikale	SADOC Kitsa
TOTAL	**7530**			

Nous vous transmettons en annexe le certificat de paiement de la carte de négociant du fournisseur.

Franche collaboration,

Fait à Goma le, 06/05/2009

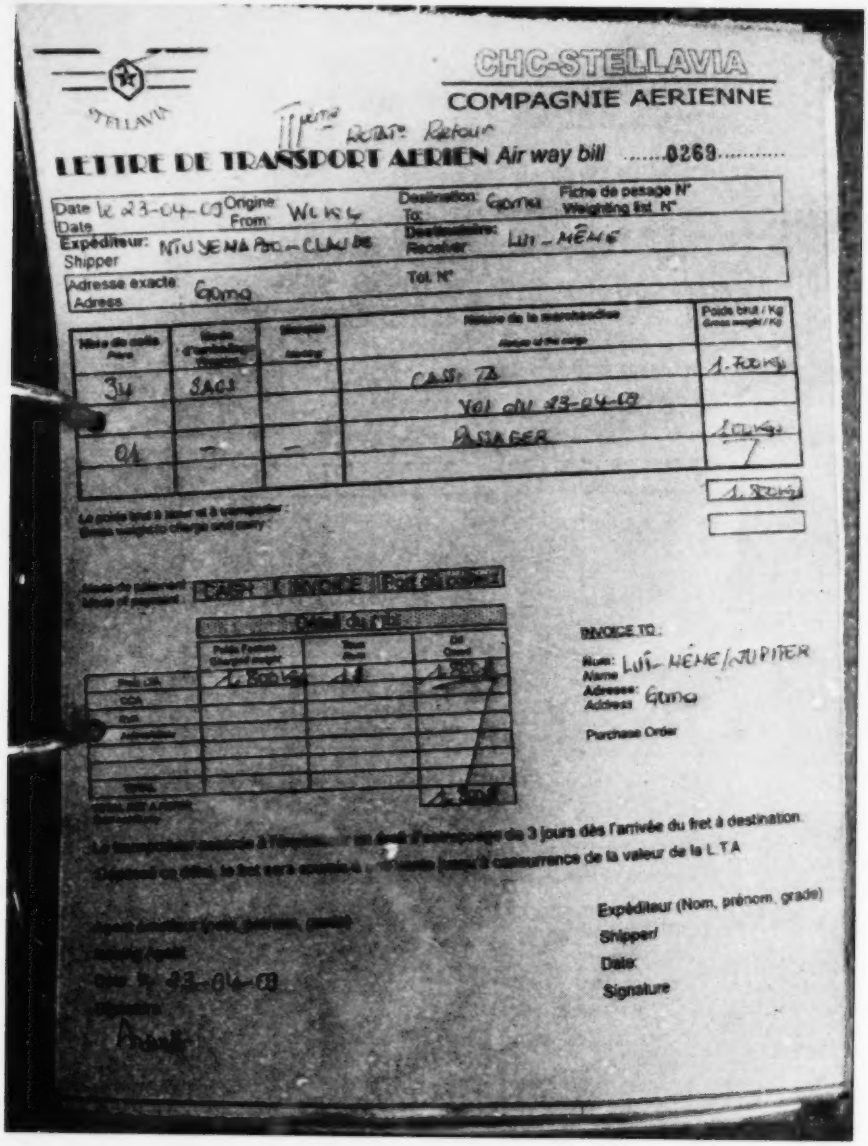
Pour le compte Hill Side

MAIS HILLSIDE
NRC 3022 GOMA
REP. DEM. CONGO

Claude [illegible] NABO
Directeur Général

Annex 72

Airway bills showing that on 22 and 23 April 2009 alone, CHC Stellavia recovered 5,300 kilos of material from Walikale, almost three times the amount given officially by Hill Side for its purchase on 23 April 2009



CHC-STELLAVIA

COMPAGNIE AERIENNE

LETTRE DE TRANSPORT AERIEN Air way bill .....0269.....

Date 22-04-09 Origine From: Walikale Destination To: Goma Fiche de pesage N° Weighting list N°

Expéditeur: NTUSENA Shipper

Destinataire: LUI-MEME Receiver

Adresse exacte Adress: Goma Tél. N°

Nbre de colis Pces	Mode d'emballage Packing	Marques Marking	Nature de la marchandise Nature of the cargo	Poids brut / Kg Gross weight / Kg
34	SACS		CASS. 7A	1.700 Kg
			VOL du 23-04-09	
01	-	-	PASSAGER	100 Kg
				1.800 Kg

CASH INVOICE

INVOICE TO:

Nom: LUI-MEME/JUPITER

Adresse: Goma

Purchase Order

Le transporteur n'assume à l'égard ... un délai d'acheminement de 3 jours dès l'arrivée du fret à destination.

... limite fixée à concurrence de la valeur de la L.T.A

Expéditeur (Nom, prénom, grade)

Shipper/

Date: 23-04-09

Signature

CHC-STELLAVIA

COMPAGNIE AERIENNE

STELLAVIA

Tirage DOTATE Retour

LETTRE DE TRANSPORT AERIEN *Air way bill* .....9263.....

Date le 22.04.09 Origine: WLICL
Date From:
Destination: Goma
To:
Fiche de pesage N°
Weighting list N°

Expéditeur: MONUSCO-CLAIRE
Shipper
Destinataire: LUI-MEME
Receiver

Adresse exacte: Goma
Adress
Tél. N°

Nbre de colis Piece	Mode d'emballage Wrapping	Marque Marking	Nature de la marchandise Nature of the cargo	Poids brut / Kg Gross weight / Kg
36	SAC		CARGO	1.800kg
			Volet 22-04-09	
				1.800kg

Le poids brut à taxer et à transporter
Gross weight to charge and carry

Mode de paiement
Mode of payment: CASH / INVOICE / Port dû collect

Détail du prix

	Poids Facturé Charged weight	Taxe Rate	Dû Owed
Prix LTA	1.500kg	1	1.500$
CCA			
RVA			
Assurance			
TOTAL			1.500$

TOTAL NET A PAYER
Total net to pay

INVOICE TO:

Nom: LUI-MEME/JUPITER
Name
Adresse: Goma
Address

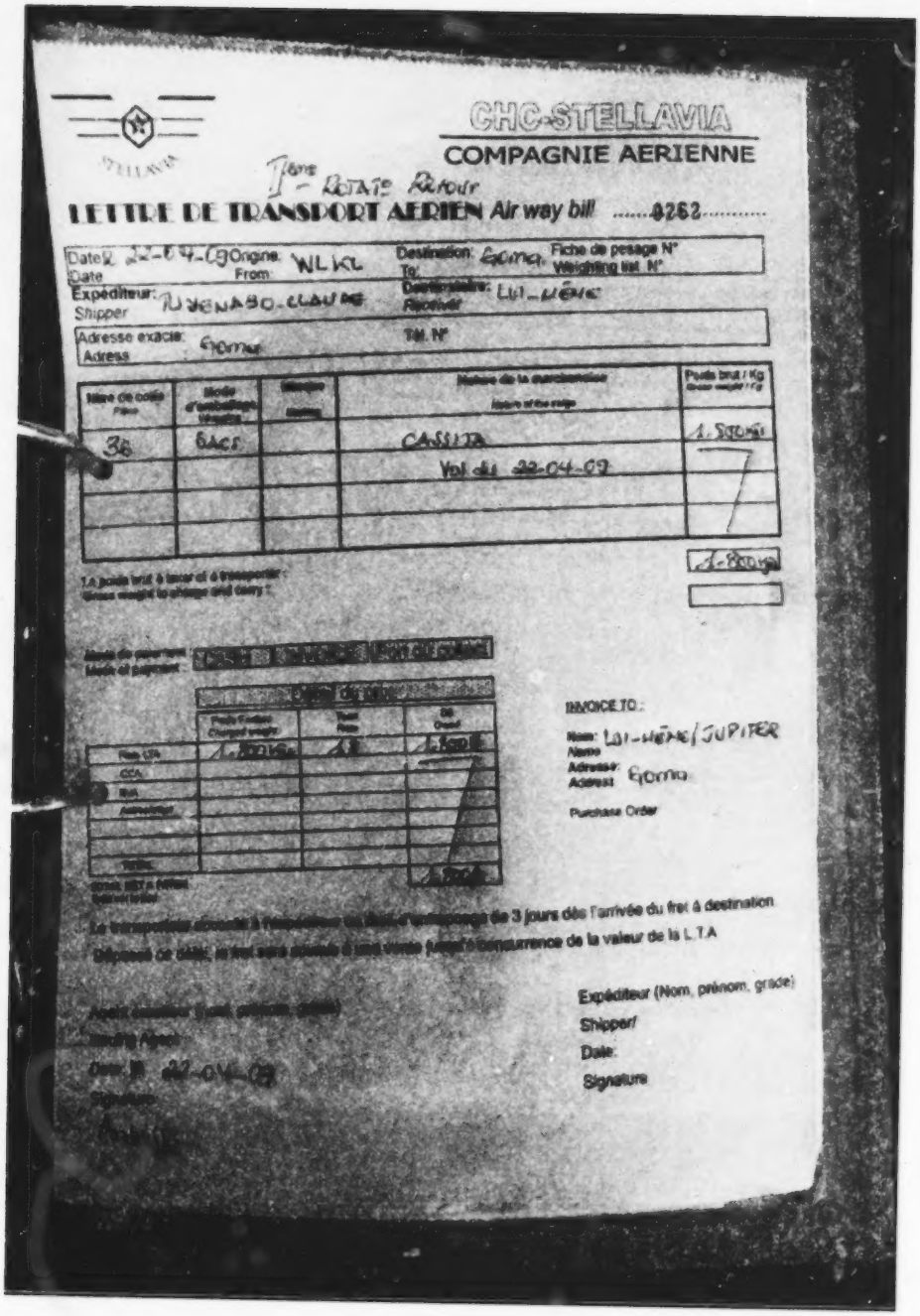
Purchase Order

Le transporteur accorde à l'expéditeur un droit d'entreposage de 3 jours dès l'arrivée du fret à destination.

Dépassé ce délai, le fret sera soumis à une vente jusqu'à concurrence de la valeur de la L.T.A.

Agent émetteur (nom, prénom, grade)
Issuing Agent
Date: le 22-04-09
Signature

Expéditeur (Nom, prénom, grade)
Shipper
Date:
Signature



CHC-STELLAVIA

COMPAGNIE AERIENNE

1ère Copie Retour

LETTRE DE TRANSPORT AERIEN Air way bill .....8262.....

Date: 22-04-09 Origine: From: WLKL Destination: Goma To: Fiche de pesage N° Weighting list N°

Expéditeur: Shipper RUSENABO-CLAUDE Destinataire: Addressee LUI-MEME

Adresse exacte: Adress Goma Tél. N°

Nbre de colis Piece	Mode d'emballage Wrapping	Marque Marking	Nature de la marchandise Nature of the cargo	Poids brut / Kg Gross weight / Kg
36	SACS		CASSITA	1. 570Kg
			Vol du 22-04-09	7

1.A poids brut à taxer et à transporter / Gross weight to charge and carry :

Mode de payement / Mode of payment

	Poids à taxer / Charged weight	Tarif / Rate	Montant / Amount
Fret LTA	1.570Kg	1$	1.570$
CCA			
Fret			
Annexes			
TOTAL			1.570$

INVOICE TO :

Nom / Name: LUI-MEME/JUPITER

Adresse / Adress: Goma

Purchase Order

Le transporteur décharge à l'expéditeur un délai d'enlèvement de 3 jours dès l'arrivée du fret à destination.

Déposé ce date, le fret sera vendu à une vente publique à concurrence de la valeur de la L.T.A

Agent émetteur (nom, prénom, grade)

Issuing Agent

Date: 22-04-09

Signature

Expéditeur (Nom, prénom, grade)

Shipper

Date:

Signature

Annex 73

Draft copy of the licence granted to Minerals Supply Africa (MSA) by the Government of Rwanda

REPUBLIQUE DU RWANDA

Kigali, le .....
No. .....

MINISTERE DES RESSOURCES NATURELLES
B.P. 1561 KIGALI

Mr David Bennun
Directeur Général
Minerals supply Africa Ltd
KIGALI

Objet : Confirmation de la légalité de vos activités au Rwanda

Monsieur le Directeur Général,

Référence faite à votre lettre du [illegible] 2009, je vous confirme, à l'attention de vos partenaires que votre Société "**Minerals Supply Africa Ltd (MSA)**" est légalement enregistrée au Rwanda.

De plus, je précise que tous les minerais achetés et traités au Rwanda tels que la cassitérite, la colombo-tantalite et le wolfram sont exportés en toute légalité.

Veuillez agréer, Monsieur le Directeur Général, l'assurance de ma considération distinguée.

Prof. MUNYANGANIZI Blaise
Secrétaire d'Etat chargé de l'Environnement
de l'Eau et des Mines

Annex 74

Copy of a Rwandan certificate of origin for material exported by Minerals Supply Africa to Cronimet

REPUBLIQUE DU RWANDA

MINISTERE DU COMMERCE
ET DE L'INDUSTRIE
B.P. 73 KIGALI

PHONE :
TELEPHONE : 576928
TELEFAX : (250) 576608

MSA-KT-071

CERTIFICATE OF ORIGIN

Certificat d'origine

Inscription number 259/09

N° d'inscription

Exporter / Exportateur	Receiver or consignee / Destinataire ou consignataire
Name / Nom : MINERALS SUPPLY AFRICA LTD	Name / Nom : CRONIMET CENTRAL AFRICA AG Allmendstr. 11
Company name / Raison sociale : P.O.BOX : 6509 - KIGALI	Company name / Raison sociale : CH-6312 Steinhausen SWITZERLAND
Adress / Adresse : Tel. : + 250 78 3900556/17	Adress / Adresse : Tel. : +41-41-748 50 40
Fax : + 250 78 3900555	Fax : +41-41-748 42 01

Export Licence / Licence d'exportation	Routing / Voie d'acheminement	Bill of landing / Connaissement
N°	ROAD	
	Mean of transport / Moyen de transport	

Mark and Parcel Number / Marque et Numéro des colis	Type of Packing / Nature de l'Emballage	Type of Goods / Nature des Marchandises	Gross Weight / Poids Brut	Net Weight / Poids Net
12 BIG BAGS	BIG BAGS	CASSITERITE	24.695 kg	24.647 kg

I declare that above declarations are sincere and true and that the ... declarations of the exporter are correct, designated goods were made in RWANDA

J'affirme que les déclarations ci-dessus sont sincères et exactes et ... déclarations de l'exportateur sont correctes, que les marchandises désignées ont été produites au RWANDA

Place and date / Lieu et date : Kigali le 2nd August 2009

Signature and Company seal / Signature et Cachet du déclarant

Kigali, 21st August 2009

Signature of the Responsible Official and seal of the Ministry of Commerce and Industry
Signature du Fonctionnaire Responsable et cachet du Ministère du Commerce et de l'Industrie

Export Declaration
Déclaration d'exportation
N°

Visa of the Responsible customs and duty ... Visa de la Douane et date

Annex 75

Airway bill showing that Alexis Makabuza, Modeste's brother, has flown out Mr. Ndahirwe's cargoes from Walikale through his aviation company Stellavia, which has delivered material to SODEEM

CHC-STELLAVIA

COMPAGNIE AERIENNE

LETTRE DE TRANSPORT AERIEN *Air way bill* 0413

Date / Date: Origine / From: Destination / To: Fiche de pesage N° / Weighting list N°

Expéditeur / Shipper: Destinataire / Receiver:

Adresse exacte / Adress: Tel. N°

Nbre de colis / Nbre	Mode d'emballage / Packing	Marque / Marking	Nature de la marchandise / Nature of the cargo	Poids brut / Kg / Gross weight / Kg
26	SAC		CASH	1.300 Kg

Le poids brut à taxer et à transporter / Gross weight to charge and carry: 1.300 Kg

Mode de paiement / Mode of payment: CASH | INVOICE | Port dû collect

Détail du prix

	Poids facturé / Charged weight	Taxe / Rate	Du / Owed
Frais Lta	1.300 Kg	1$	1.300$
CCA			
RVA			
Autres/Others			
TOTAL			
TOTAL NET A PAYER / Total net to pay			1.300$

INVOICE TO

Nom / Name:

Adresse / Address:

Purchase Order

Le transporteur accorde à l'expéditeur un droit d'entreposage de 3 jours dès l'arrivée du frêt à destination.

Dépassé ce delai, le frêt sera soumis à une vente jusqu'à concurrence de la valeur de la L.T.A

Agent émetteur (nom, prénom, grade) / Issuing Agent

Date

Signature

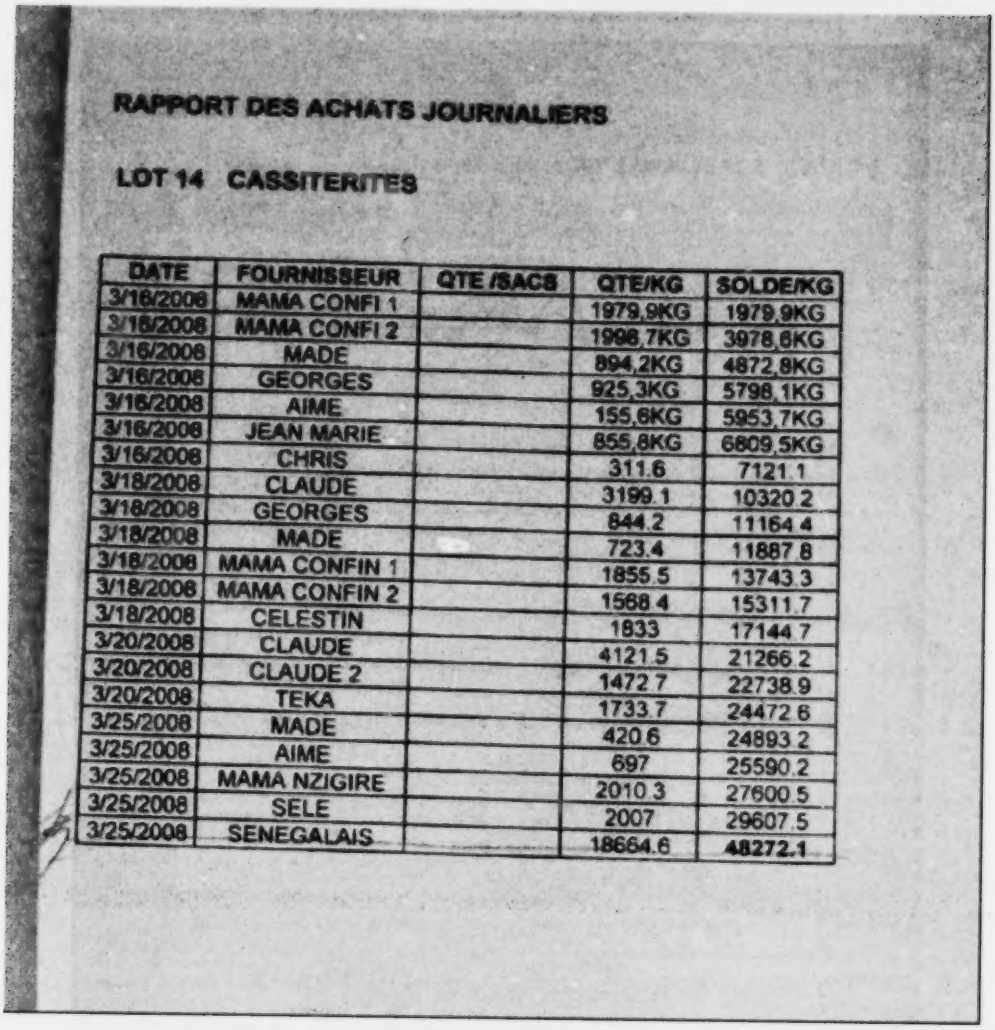
Expéditeur (Nom, prénom, grade) / Shipper

Date

Signature

Annex 76

Internal SODEEM documentation which identifies "Senegalais" (Frederic Mastaki Lubamba) as a major supplier to SODEEM



RAPPORT DES ACHATS JOURNALIERS

LOT 14 CASSITERITES

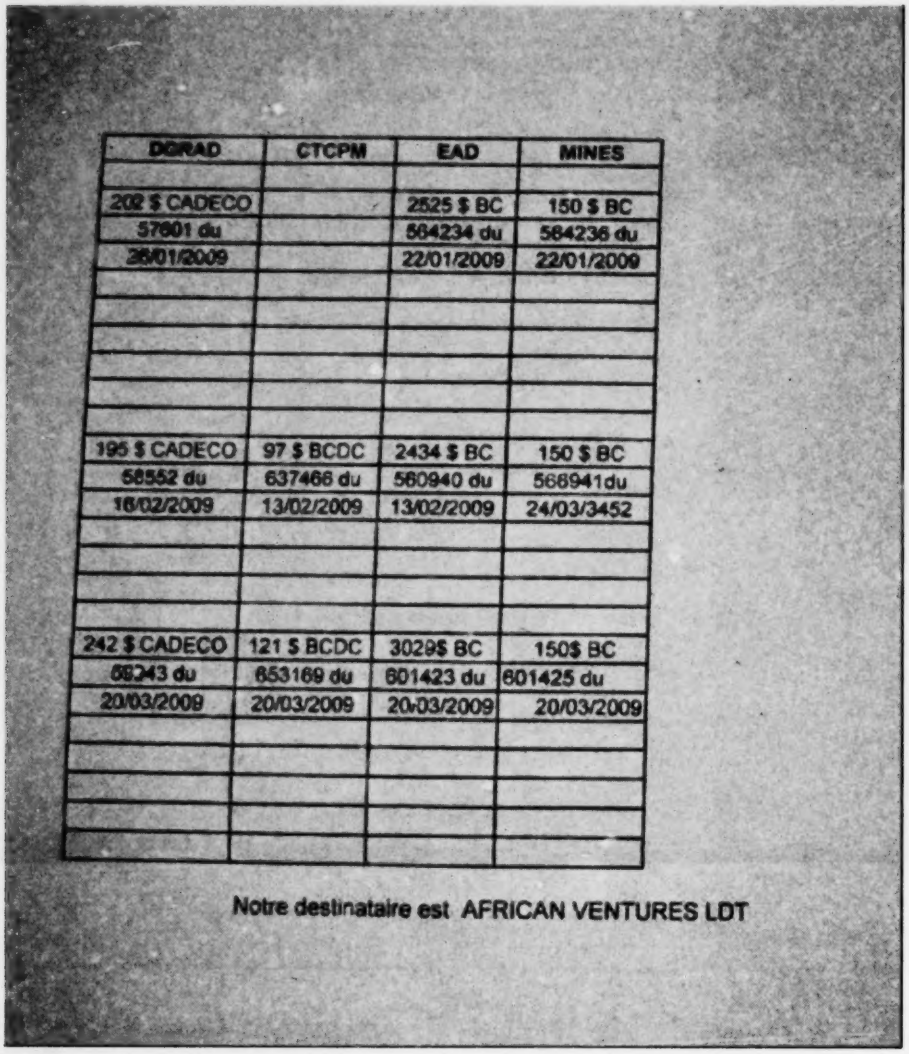
DATE	FOURNISSEUR	QTE /SACS	QTE/KG	SOLDE/KG
3/16/2008	MAMA CONFI 1		1979,9KG	1979,9KG
3/16/2008	MAMA CONFI 2		1998,7KG	3978,6KG
3/16/2008	MADE		894,2KG	4872,8KG
3/16/2008	GEORGES		925,3KG	5798,1KG
3/16/2008	AIME		155,6KG	5953,7KG
3/16/2008	JEAN MARIE		855,8KG	6809,5KG
3/16/2008	CHRIS		311.6	7121.1
3/18/2008	CLAUDE		3199.1	10320.2
3/18/2008	GEORGES		844.2	11164.4
3/18/2008	MADE		723.4	11887.8
3/18/2008	MAMA CONFIN 1		1855.5	13743.3
3/18/2008	MAMA CONFIN 2		1568.4	15311.7
3/18/2008	CELESTIN		1833	17144.7
3/20/2008	CLAUDE		4121.5	21266.2
3/20/2008	CLAUDE 2		1472.7	22738.9
3/20/2008	TEKA		1733.7	24472.6
3/25/2008	MADE		420.6	24893.2
3/25/2008	AIME		697	25590.2
3/25/2008	MAMA NZIGIRE		2010.3	27600.5
3/25/2008	SELE		2007	29607.5
3/25/2008	SENEGALAIS		18664.6	48272.1

Annex 77

Documentation handed to the Group by government mining agents who stopped a consignment of minerals in Butembo that had been undervalued at a trading site near Bisie and trucked through Kisangani in May 2009 on its way to Butembo and then Goma on behalf of Mr. Lubamba (aka Senegalais)

Annex 78

Sample of SODEEM's internal records noting all company purchases are sent to African Ventures Ltd., a company considered as a front company operated with the assistance of Chris Huber



DGRAD	CTCPM	EAD	MINES
202 $ CADECO		2525 $ BC	150 $ BC
57601 du		584234 du	584236 du
26/01/2009		22/01/2009	22/01/2009
196 $ CADECO	97 $ BCDC	2434 $ BC	150 $ BC
58552 du	637466 du	560940 du	566941du
16/02/2009	13/02/2009	13/02/2009	24/03/3452
242 $ CADECO	121 $ BCDC	3029$ BC	150$ BC
58243 du	653169 du	601423 du	601425 du
20/03/2009	20/03/2009	20/03/2009	20/03/2009

Notre destinataire est AFRICAN VENTURES LDT

Annex 79

E-mail correspondence from John Crawley regarding activities of RMMC and Chris Huber

From :
To: [redacted]

Date: Wednesday, October 21, 2009 03:51PM
Subject:

Dear Mr. Mahtani,

I include the answers to your questions. Kindly direct emails to as before I am just using this to send as my email seems to have a problem. Feel free to contact me at any time on my mobile phone +1-775-220-9781.

Summary of the three points we would like to hear back from you on, plus a fourth and fifth.

1. Your role on the tantalite transparency board etc.
2. the precise role of chris huber in your company.
3. what your knowledge of the entity african ventures is.
4. how much materialhas refractory metals and mining supplied to thaisarco this year.
5. how much materialhas african ventures ltd supplied to thiasarco or refractory metals and mining this year.

1. I am on the executive committee of the Tantalum and Niobium International Study Center (T.I.C.) and the working group for the development of a transparency program in the following groups:
   a. T.I.C.
   b. EICC (Electronic Industry Code of Conduct Implementation Group)
   c. GeSi (Global e-Sustainability Initiative)

   The TIC has passed the attached program. We would appreciate your input.

   If you approve of the program your support would be invaluable to the change we are trying to make in the tantalum industry which until now has made no progress on this important topic.

   After many years if inaction we are really making progress on changing our industry.

2. Chris Huber:

   Chris works on the following issues:

a. Expansion of the Rwanda Tantalum Mines in Gatumba region.
b. Expansion of the Rwanda Tungsten Mine in Gifurwe.
c. Liason with Thaisarco.
d. Development of Concessions in Nigeria.
e. Development of Concessions in Mozambique.
f. Initiation of new trading activities in the following countries:
    i. DRC.
    ii. Rwanda.
    iii. Nigeria.
    iv. Mozambique.
    v. Brazil.
    vi. Thailand.
g. Investigation of potential mine investments in DRC. Investment to commence should the political situation improve.
h. Troubleshooting of serious problems in Africa that cannot be handled by the staff of RMMC for example hijacking of two containers in Kenya recently.

3. African Ventures Ltd.

As I understand the situation on African Ventures the company was set up to in order to purchase and hold concessions in the DRC that would form the basis of our long term mine investment strategy. In the mean time the ITRI program was started and AVL then become involved in the purchase of Tin and Tantalum raw materials from other miners in the DRC.

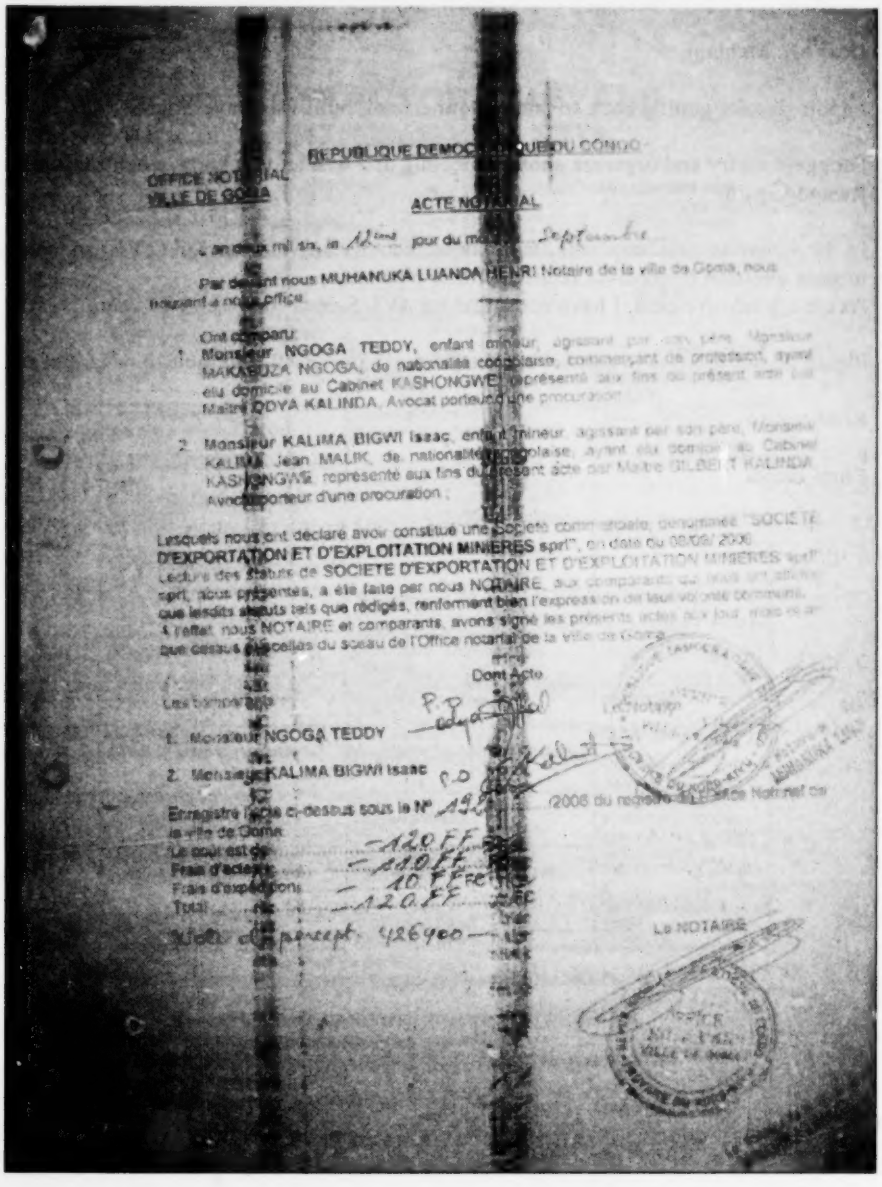
The company collects all transparency documents required by the ITRI transparency program. I am informed that these documents are complete and in good order. AVL also makes sure that all DRC taxes are paid, all exports comply with the DRC mining code by licensed exporters.

Thaisarco ultimately received all of the Ti material sourced by this firm, all of the tantalum bearing raw material was sent to Chinese firms. None of the raw material or material produced from the AVL raw material has ever been purchased by Niotan, Inc.

4. RMMC shipped to Thaisarco in 2009 the following:
    a. 928 MT DRC origin material.
    b. 424 MT Rwanda orgin material.
    c. 423 MT Nigeria origin.
5. AVL has supplied RMMC 928 MT tin ore plus 53 MT tantalite i.e. all DRC origin minerals.

Annex 80

Document showing that one of SODEEM's founders is Isaac Bigwi Kalima, who is the son of Jean Malik Kalima, one of the representatives of the private sector mining association in Rwanda



REPUBLIQUE DEMOCRATIQUE DU CONGO

OFFICE NOTARIAL
VILLE DE GOMA

ACTE NOTARIAL

L'an deux mil six, le 12ème jour du mois de Septembre

Par devant nous MUHANUKA LUANDA HENRI Notaire de la ville de Goma, nous
trouvant à notre office.

Ont comparu:

1. Monsieur NGOGA TEDDY, enfant mineur, agissant par son père, Monsieur MAKABUZA NGOGA, de nationalité congolaise, commerçant de profession, ayant élu domicile au Cabinet KASHONGWE, représenté aux fins du présent acte par Maître ODYA KALINDA, Avocat porteur d'une procuration ;

2. Monsieur KALIMA BIGWI Isaac, enfant mineur, agissant par son père, Monsieur KALIMA Jean MALIK, de nationalité congolaise, ayant élu domicile au Cabinet KASHONGWE, représenté aux fins du présent acte par Maître GILBERT KALINDA, Avocat porteur d'une procuration ;

Lesquels nous ont déclaré avoir constitué une Société commerciale, dénommée "SOCIETE D'EXPORTATION ET D'EXPLOITATION MINIERES sprl", en date du 08/08/ 2006.
Lecture des statuts de SOCIETE D'EXPORTATION ET D'EXPLOITATION MINIERES sprl, nous présentés, a été faite par nous NOTAIRE, aux comparants qui nous ont déclaré que lesdits statuts tels que rédigés, renferment bien l'expression de leur volonté commune.
A l'effet, nous NOTAIRE et comparants, avons signé les présents actes aux jour, mois et an que dessus et scellés du sceau de l'Office notarial de la ville de Goma.

Dont Acte

Les comparants

1. Monsieur NGOGA TEDDY

2. Monsieur KALIMA BIGWI Isaac

Enregistré l'acte ci-dessus sous le N° 1952/2006 du registre de l'Office Notarial de la ville de Goma
Le sous-est de ..... 120 FF
Frais d'acte ..... 110 FF
Frais d'expédition ..... 10 FF
Total ..... 120 FF
Numéro du reçu 426900

Le NOTAIRE

Annex 81

E-mail to the Group of Experts on 16 October 2009. Mr. Huber indicated that he had acted as a consultant to African Ventures Ltd. for about two years.

Chris Huber to me Oct 16 (x days ago)

Dear Mr. Mahtani,

I apologize for getting back so late to your e-mail, but I was travelling.

I suggest we try and organize another meeting and will let you know when I will be back in Rwanda again.

In the meantime you have seen that I contacted African Ventures Ltd (AVL) so that they can reply to your question themselves related to their business.
As for my involvement, I have consulted for AVL Samoa for about two years.

Please do not hesitate to contact me should you have any further questions at this stage.

Kind regards

Chris Huber

Annex 82

Documents showing that African Ventures Ltd is based at Shing Wang road, Hong Kong, China, which is where Refractory Metals and Mining Company (RMMC) is located

REFRACTORY METALS MINING CO. LTD.

1008A Shing Chuen Ind Bldg
28 Shing Wan Road, Shatin, Hong Kong

Tel +852 2601 0129
Fax +852 2694 8782
ksj@rmmc.com.hk

To: THAISARCO FORM B1
From: (Country) Democratic Republic of Congo
From: (Port) Dar Es Salaam

	Issuer	Document	Shipment reference number:
1	Central Bank of Congo (Banque Centrale du Congo)	Licence of Export of Goods (Licence d'Exportation des Biens)	Code banque: 1576 N° validation 150576 Code sous type licence:08
2	Expertise and Certification Evaluation Centre (Centre d'Evaluation, d'Expertise et de Certification)	Certificate of Analysis of Stanniferous Miners from Artisanal production (Certificat d'Analyse des Minerais Stanniferes de Production Artisanale)	No 233/2009
3	Expertise and Certification Evaluation Centre (Centre d'Evaluation, d'Expertise et de Certification)	Packing Statement (Proces Verbal d'Enfutage et/ou Emachage des Substances)	DD 28 July, 2009
4	Ministry of Mines (Ministerie des Mines, DRC)	Certificate of Origin and Export Certificat d'Origine a l'Exportation	No CD 0012763
5	Ministry of Mines (Ministerie des Mines, DRC)	Authorisation of mineral export (Autorisation d'Exportation des Minerais)	No. Divisrion-GEO/354/7.0/234009
6a	Congolese Control Office (Office Congolais de Controle)	Certificate for Verification of Export (Certificat de Verification A L'Exportation)	No.30.05.17/41/01/02.4 No.0001363
6b	Congolese Control Office (Office Congolais de Controle)	Assay report of Export (Rapport De Lot Pret A L'Exportation)	Ref GI/NKM/MK/ML/ 2009 No.09/02/04 No.13968
7	Congolese Control Office (Office Congolais de Controle)	Assay Report (Rapport d'Essais)	Rapport d'essais n°POGOM69/07/09 Echantillon n°1411/09
8	Customs and Excise Office (L'Office des Douanes et Accises)	Declaration of Final Export (Declaration de Sortie Definitive)	OFIDA#0022269 No.OOMA/VILLE603/04 4 No.SD-232-03-08-09
9	Consignor	Certificate of Origin	SN225
10	Shipper	Ocean Bill of Lading	751422275

1/ Certificate of Incorporation (Nouveau Registre du Commerce No.2666 Province N. R. C. OOMA)
2/ FEC or National ID Certificate (Identification Nationale no.5-128-N49611E)
3/ Agreement au Titre de Comptoirs (Comptoirs Authorisation no.0265/CAB.MIN/MINES/01/2009 DU04 AVR 2009) from Ministere des Mines

OFFICE CONGOLAIS DE CONTROLE

Institution de droit public créée par Ordonnance - Loi N° 74 - 013 du 10 Janvier 1974
Siège Social et Adm. : Rés. O.C.C. Avenue du Port n° 98, Kinshasa - B. P. 8814
NRC KIN 2613 - N° Identif. Nat. A 04900 8
Téléphone : 22830 - 22388 - 28818 - Télex 21313 O.C.C. Kin

30.05.17/41/01/02.4

CERTIFICAT DE VERIFICATION A L'EXPORTATION

(AGETRAF) (Conformément à la législation en vigueur) N° 0001363

Réf. DIKOKI/02/BM/605/2009 Lieu GOMA Le 04/08/2009

I. IDENTIFICATION

1 Marchandise	CASSITERITE
2 Endroit et date de la vérification	INSTALLATIONS HUAYING GOMA, LE 04/08/2009
3 Exportateur (nom et adresse complète)	HUAYING TRADING [illegible]/GOMA NORD, KIVU
4 Document de transport	B/E N° AIRCOM 0586/2009 DU 04/08/2009
5 Destinataire (nom et adresse complète)	AFRICAN VENTURES LTD SHING WAN ROAD, HONG KONG
6 Pays d'origine	REP.DEM. DU CONGO
7 Pays de provenance	REP.DEM. DU CONGO
8 Pays de destination	CHINE
9 Poste douanier de sortie	GRANDE BARRIERE OU BUNAGANA
10 N° tarif douanier	26.[illegible]11
11 Licence Modèle "EB"	N° [illegible]/150.572 du 04.08.09 extrême validité 04.11.09
12 Montant à valoir les droits	USD 157.950,-
13 Contre valeur en FRANC CONGOLAIS	CDF.-

II. CONSTATATIONS : B.A 000 FCOCM 069/07/2009 DU 29/07/2009

1. Qualité : TENEUR EN ETAIN (Sn) : 64,37 %

2. Quantité :

Nombre de colis	Poids brut (kg c)	Poids net (kg)	Volume (M3 brut)	Valeur
[illegible]28	22.973 KGS	22.500 KGS	-	USD 157.950,-

3. Conformité : conforme aux spécifications du contrat n° 022/HUAYING/2009 DU 29/07/2009

4. Lot n° [illegible]/HUAYING/2009

5. Marques AFRICAN VENTURES LTD HONG KONG

6. Remarques :

Déclaration d'exportation n°

Colis : Poids brut : PAR CAMION N° [illegible] 0970 KB

Le présent certificat est valable pour 3 mois à partir de la date de vérification.
La marchandise faisant l'objet du présent Certificat a été vérifiée et admise à l'exportation.

Nom et Signature [illegible] Nom et Signature

ORIGINAL NEGOCIABLE

Page 1/1

Annex 83

E-mail sent by Mr. Crawley to the Group of Experts in late October 2009 in which he notes that African Ventures Ltd. was created by his father in 2005 and is financed by RMMC. Personal information has been blacked out.

Friday, October 23, 2009 08:57AM

Dear Mr. Mahtani,

To answer the questions in this email.

I believe AVL was set up by my Dad in around 2005, before he left. AVL concessions in the DRC if purchased (it was and is only a plan it has not yet occured)would be held by AVL which would then become the concession holder, mining company and trading arm of RMMC in the DRC.

I know that the money for trading by AVL originated at RMMC and 100% against comptoir invoice to AVL is wired back to the DRC so 100% is repatriated by RMMC. I believe you have talked with the comptoirs so you can see the wire information which will confirm this. All DRC taxes are paid and I understand from the comptoirs and Thaisarco that all due diligence records are in order.

Niotan inc. Has never purchased any material from AVL. As mentioned already Niotan Inc. Has in fact never purchased any DRC material. It further did not purchase any intermediate products resulting from any AVL minerals.

I have not heard to whom the AVL tonnage has been sold. There are many factories who do not have restrictions on the purchase of DRC material in China.

[redacted] (edited out confidential contact details).

WBR

John

Sent via BlackBerry by AT&T

Annex 84

RMMC is run by Mr. K. S. Jong, who acts as the company's chief executive officer and who signed off on the decision to rename a company called Niotan Ltd. as RMMC

NIOTAN

1008A Shing Chuen Ind Bldg 28 Shing Wan Rd Shatin Hong Kong
Tel +852 2601 0129 Fax +852 2694 8782 [illegible]

19 January 2009

"TO WHOM IT MAY CONCERN"

In view of a lot of confusions between the plant in US named Niotan Inc. and our trading company, Niotan Limited which are completely different entities with different shareholders, please be advised that our company, Niotan Limited, having by special resolution changed its name, is now incorporated under the Companies Ordinance (Chapter 32) in the name of

REFRACTORY METALS MINING COMPANY LIMITED

effective from 1 January, 2009.

Thank you for your kind attention.

Yours faithfully,

For and acting on behalf of Niotan Limited
K. S. Jong
Chief Executive Officer

For and on behalf of
Niotan Limited

Authorised Signature(s)

Annex 85

Copy of the e-mail sent to representatives of Thailand Smelting and Refining Company on 22 January 2009 regarding the decision to change Niotan Ltd.'s name to RMMC. This e-mail was copied to Mr. Jong and Mr. Huber.

From: Konrad WONG [mailto:]
Sent: Thursday, January 22, 2009 2:33 PM
To: Panya Torchareon; Chalum Choojit; Thani Limpanonda
Cc: KS Jong; Chris Huber
Subject: Change of Company Name

"TO WHOM IT MAY CONCERN"

In view of a lot of confusions between the plant in US named Niotan Inc.
and our trading company, Niotan Limited which are completely different entities with different shareholders, please be advised that our company, Niotan Limited, having by special resolution changed its name, is now incorporated under the Companies Ordinance (Chapter 32) in the name of REFRACTORY METALS MINING COMPANY LIMITED effective from 1 January, 2009.

Enclosed supporting documents in respect of change of company name
(1) 01.jpg - Business Registration Certificate
(2) 02.jpg - Certificate of Change of Name

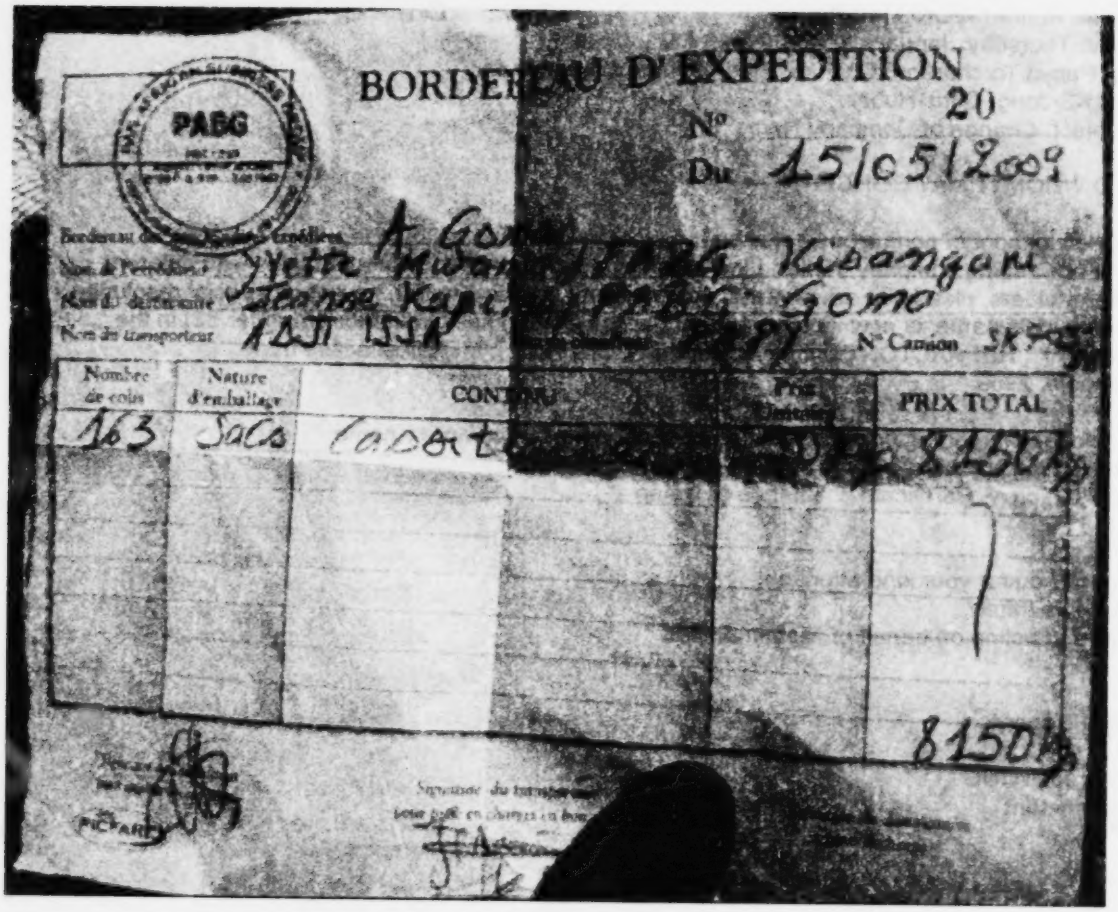
Thank you for your kind attention.
Yours faithfully,
For and acting on behalf of Niotan Limited

--
Best Regards,

Konrad WONG
Accountant

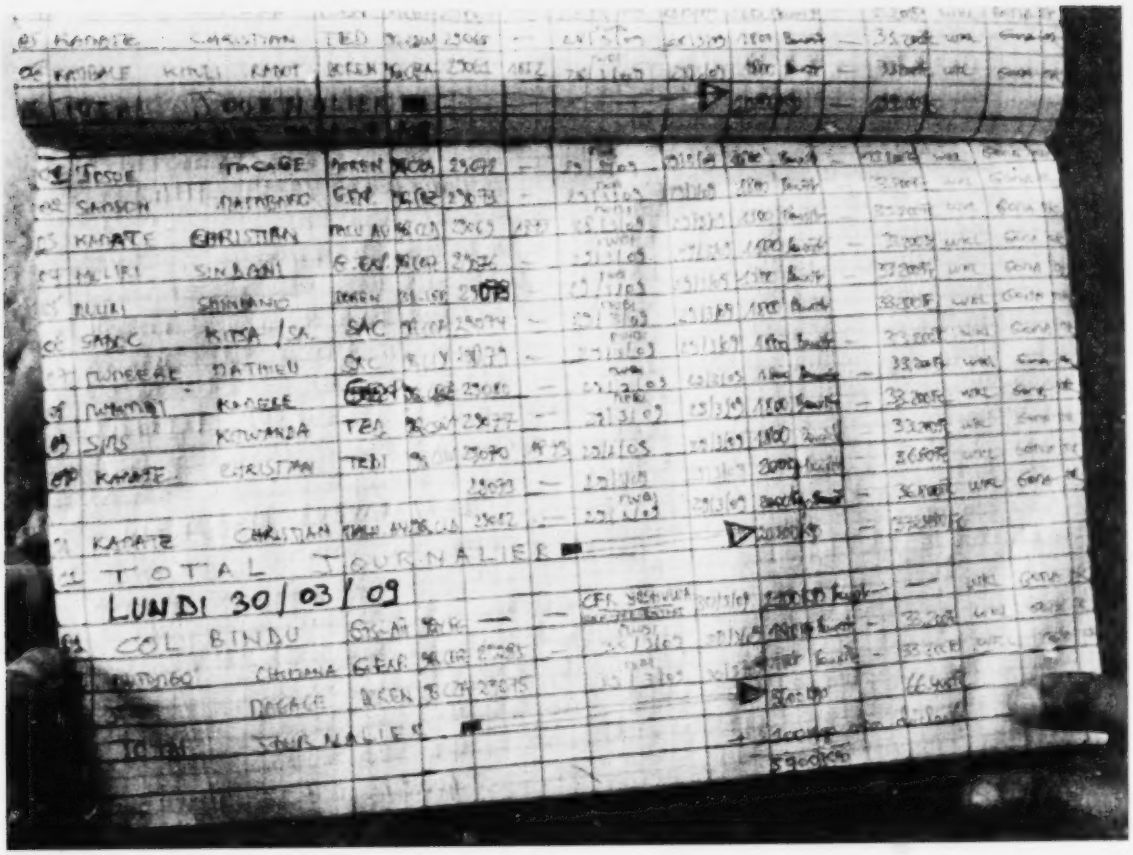
Annex 86

Documents showing that PABG was also the consignee for a truck seized by mining authorities in May 2009 in Butembo for undervaluing minerals at Bisie and which was seized alongside the consignment for Mr. Mastaki



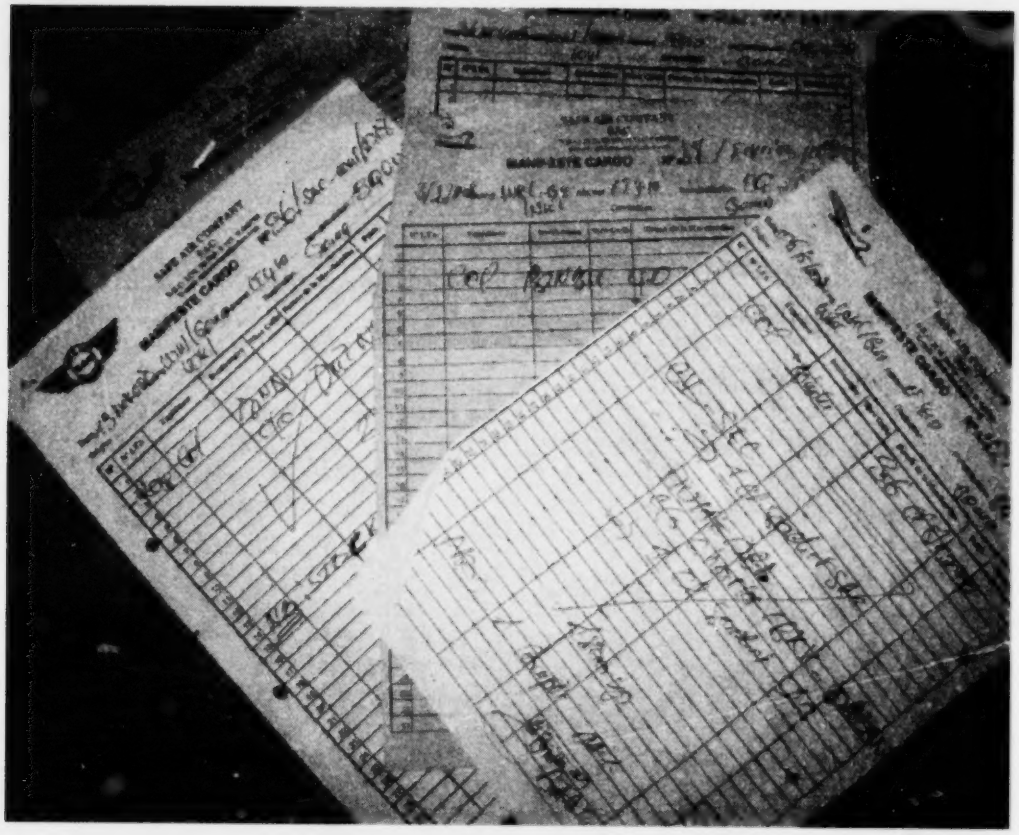
Annex 87

Documents from the Régie des voies aériennes in Walikale showing Colonel Bindu's name appearing as having moved minerals out using a local aviation company in 2009



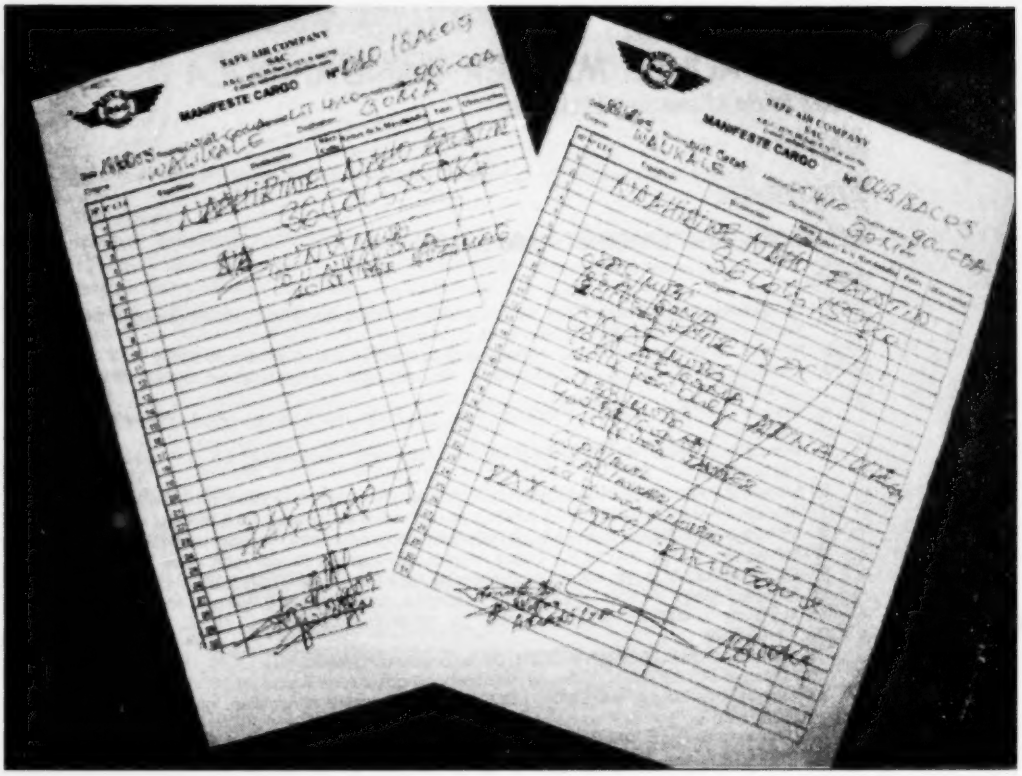
Annex 88

Set of documents showing Colonel Bindu has transported several cargoes of cassiterite out of Walikale on Safe Air Company, with the assistance of a Safe Air director "Sadoc", who is known to also act as a minerals dealer and who has supplied Hill Side



Annex 89

Documents showing that Mr. Ndahiriwe has also used Safe Air Company to transport his material



Annex 90

Groupe Minier Bangandula incorporation document

GROUPE MINIER BANGANDULA

Société Privée à Responsabilité Limitée

STATUTS

TITRE PREMIER

FORME-DENOMINATION-OBJET-SIEGE-DUREE

NOUS,

1. La Société SAPHIR SOCIETY sprl, Société de droit congolais, ici représentée par Monsieur MAKABUZA RUSENGA Alexis,
2. Monsieur RAMAZANI KOKOLI, de nationalité congolaise, né à Walikale, le 03/06/1973.
3. Monsieur FIKIRI MAYANI UNABWAKO, de nationalité congolaise, né à Walikale le 26/12/1977.
4. Monsieur MOKE MABISI Théophile, de nationalité congolaise, né à Walikale le 16/02/1974
5. Monsieur NTABO NTABERI SHEKA, de nationalité congolaise, né à Walikale, le 04/04/1976.
6. Monsieur Raymond MUHOMBO SHEMIHIYO, de nationalité congolaise, né à Walikale
7. Monsieur KALINDA SALUMU MUUNGO, de nationalité congolaise, né à Bukavu,
8. Monsieur MUBIRISTA MUSHAO, de nationalité congolaise, né à Bunyakiri, en 1966
9. Monsieur JORAM KALINDA, enfant mineur, ici représenté par son père Monsieur GILBERT KALINDA, de nationalité congolaise, né à Bukavu, le 02 /09/2003.
10. Monsieur Martin MASIRI NGENDO, de nationalité congolaise, né à Walikale en 1969.
11. Monsieur MANGWE MUTIMAMORE, de nationalité congolaise, né à Walikale, le 12./03/1976
12. Monsieur JOMALI GOPKA KILEMA, de nationalité congolaise, né à Likasi, le 26./09/1959.
13. Monsieur BULIGO NANYAMA, de nationalité congolaise, né à Idjwi, le 21/11/1942.
14. Monsieur Guillaume BATENDE NDOOLE, de nationalité congolaise, né à Walikale, le 27./07/1967.
15. Monsieur BARIRE AKILIMALI, de nationalité congolaise, né à Walikale, le 05/08/1968
16. Monsieur KAKULU AMANI , de nationalité congolaise, né à Goma en 1972

Avons décidé de créer une Société privée régie par les lois en vigueur dans la République Démocratique du Congo, par les principes généraux du droit, par les usages en la matière et les présents statuts.

TITRE I : CARACTERES DE LA SOCIETE

Article premier : **FORME – DENOMINATION**

La Société ainsi créée adopte la forme de Société Privée à Responsabilité Limitée dénommée **GROUPE MINIER BANGANDULA sprl**.

Article deux : **OBJET SOCIAL**.

La Société a pour objet d'effectuer, sur le territoire de la République Démocratique du Congo :

A titre principal, la prospection, la recherche et l'étude des gisements miniers pour leur exploitation, leur commercialisation ainsi que leur exportation.

A titre subsidiaire,

Annex 91

Notary document for COMIMPA (Cooperative minière de Mpama Bisiye)

REPUBLIQUE DEMOCRATIQUE DU CONGO

OFFICE NOTARIAL
VILLE DE GOMA

ACTE NOTARIAL

L'an deux mil six, le 21ème jour du mois de octobre.

Par devant nous MUHANUKA LUANDA HENRI Notaire de la ville de Goma, nous trouvant à notre office:

Ont comparu:

1. **Monsieur MUHOMBO SHEMIHIY RAYMOND**, né à Walikale, en 1962, de nationalité congolaise, ayant élu domicile au Cabinet KASHONGWE, représenté aux fins du présent acte par Maître **GILBERT KALINDA** , Avocat porteur d'une procuration ;
2. **Monsieur KALINDA SALUMU**, né à Bukavu, 1946 , de nationalité congolaise, ayant élu domicile au Cabinet KASHONGWE, représenté aux fins du présent acte par Maître **GILBERT KALINDA**, Avocat porteur d'une procuration ;
3. Monsieur **RAMAZANI KOKOLI** , né à Walikale 1973, de nationalité congolaise, ayant élu domicile au Cabinet KASHONGWE, représenté aux fins du présent acte par Maître **GILBERT KALINDA**, Avocat porteur d'une procuration ;
4. **Monsieur NTABO NTABERI SHEKA**, né à Walikale le 04 04 1976, de nationalité Congolaise, représenté aux fins du présent acte par Maître **GILBERT KALINDA** , Avocat porteur d'une procuration.

Lesquels nous ont déclaré avoir constitué une coopérative, dénommée "**COOPERATIVE MINIERE DE MPAMA BISIYE asbl**", en date du 30 septembre 2006.

Lecture des statuts de la coopérative minière nous présentés, a été faite par nous NOTAIRE, aux comparants qui nous ont affirmé que ces statuts tels que rédigés, renferment bien l'expression de la volonté commune des membres fondateurs.

A l'effet, nous NOTAIRE et comparants, avons signé les présents actes aux jour, mois, an que dessus et scellés du sceau de l'office notarial de la ville de Goma.

Dont Acte.

Les comparants :

1. **Monsieur MUHOMBO SHEMHIY RAYMOND**
2. **Monsieur KALINDA SALUMU**
3. **Monsieur RAMAZANI KOKOLI**
4. **Monsieur NTABO NTABERI SHEKA**

Enregistré l'acte ci-dessus sous le N° 211 /2006 du registre de l'Office Notarial de la ville de Goma.

Le coût est de ..... FC
Frais d'actes ..... 170 FF FC
Frais d'expédition ..... 10 FF FC
Total ..... 180 FF FC

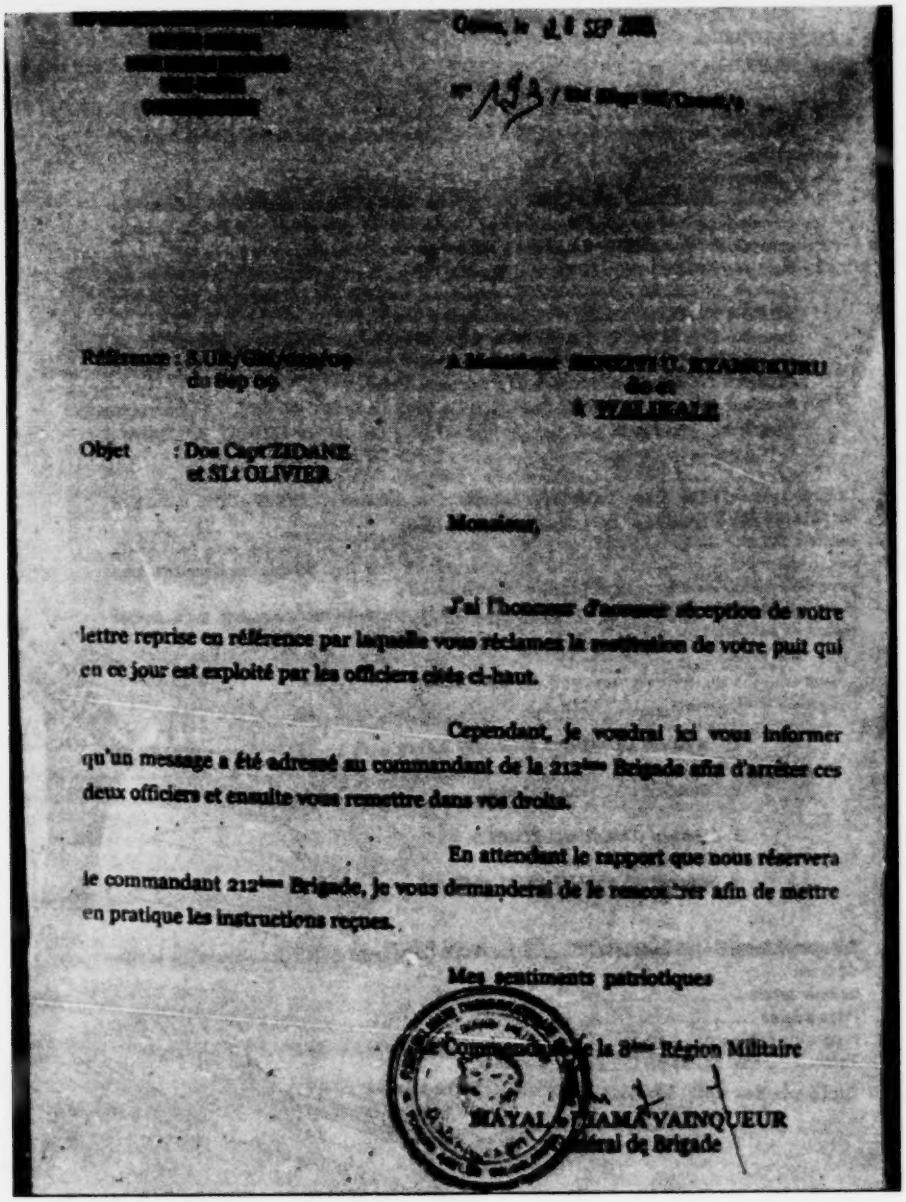
Note de percept. 416388

Le Notaire

POUR PHOTOCOPIE CERTIFIEE CONFORME A L'ORIGINAL
GOMA, LE 21/10/2006
LE NOTAIRE

Annex 92

Letter written by General Mayala in September addressed to a local official in Walikale promising to remove Captain Zidane. At the time of the drafting of the Group's final report in mid-October 2009, no measures had been taken in this regard.



Objet : Dos Capt ZIDANE
et SLt OLIVIER

Monsieur,

J'ai l'honneur d'accuser réception de votre lettre reprise en référence par laquelle vous réclamez la restitution de votre puit qui en ce jour est exploité par les officiers cités ci-haut.

Cependant, je voudrai ici vous informer qu'un message a été adressé au commandant de la 212ème Brigade afin d'arrêter ces deux officiers et ensuite vous remettre dans vos droits.

En attendant le rapport que nous réservera le commandant 212ème Brigade, je vous demanderai de le rencontrer afin de mettre en pratique les instructions reçues.

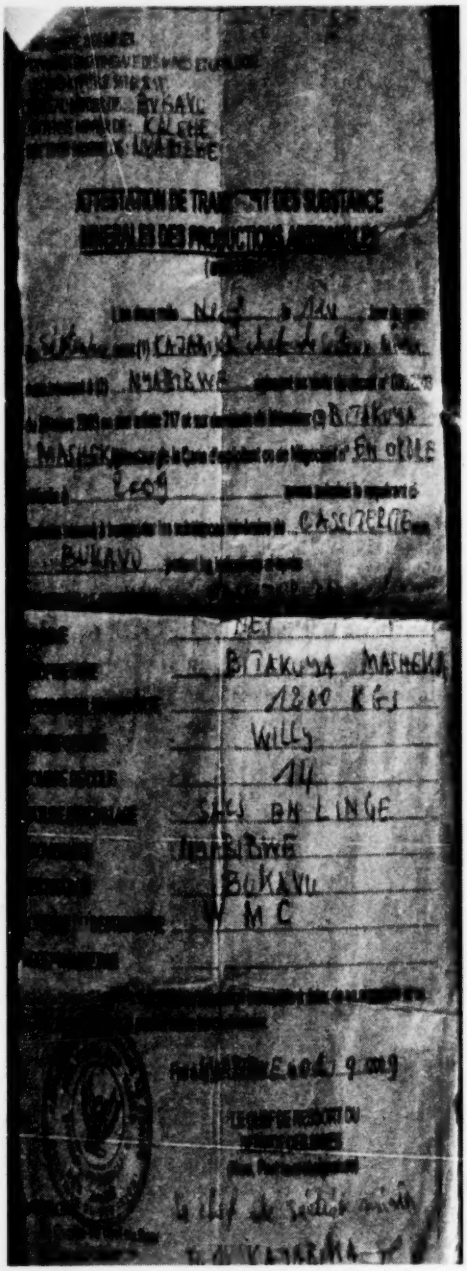
Mes sentiments patriotiques

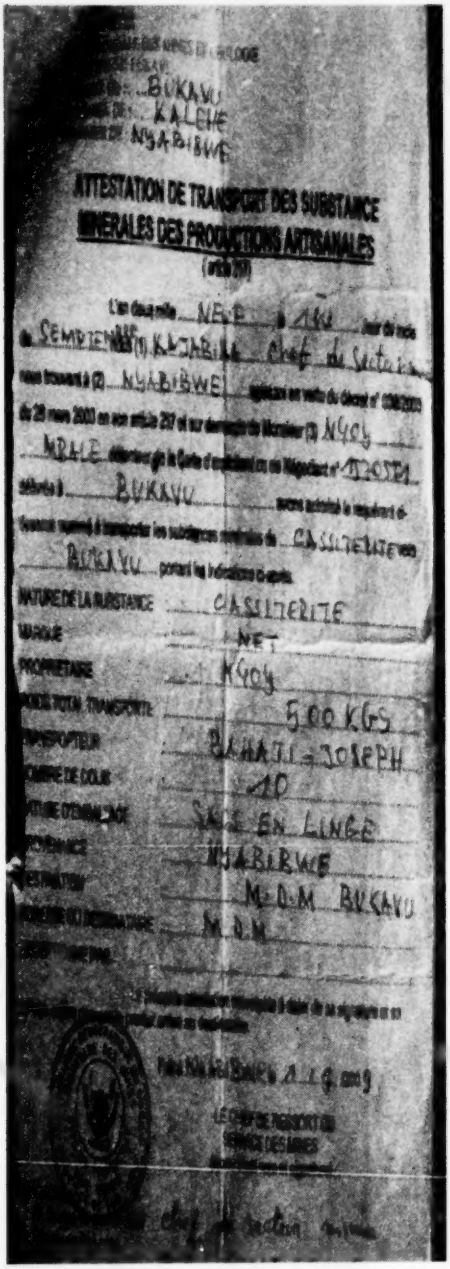
Commandant de la 8ème Région Militaire

MAYALA KIAMA VAINQUEUR
Général de Brigade

Annex 93

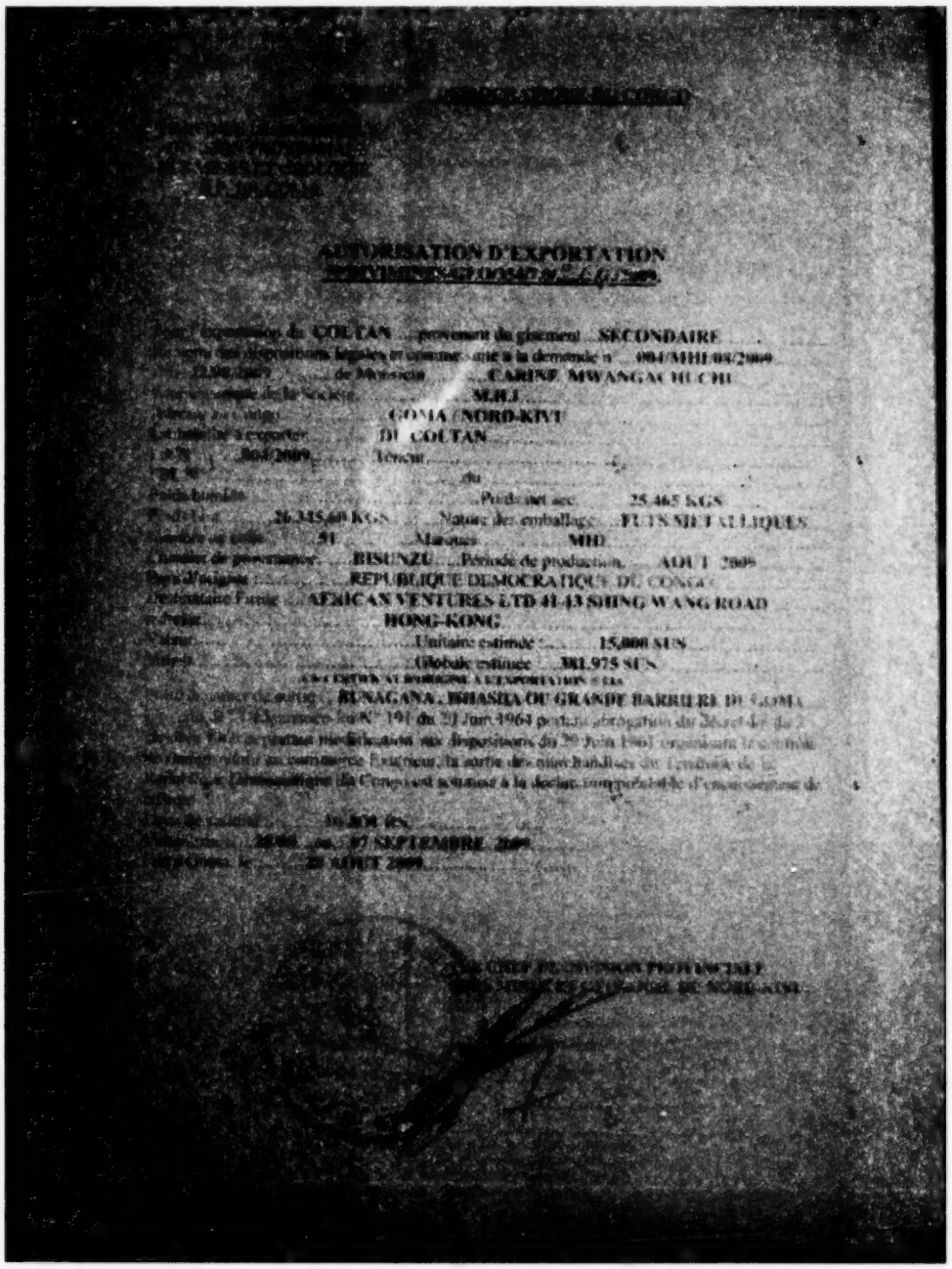
Documents showing that MDM and WMC were named as recipients of minerals coming to Bukavu from Nyabibwe, a mining zone where FARDC soldiers under Colonel Zimurinda's command have also been producing





Annex 94

Document showing that MH1, a comptoir run by Senator Eduoard Mwangachuchu, supplies tantalum to African Ventures Ltd.

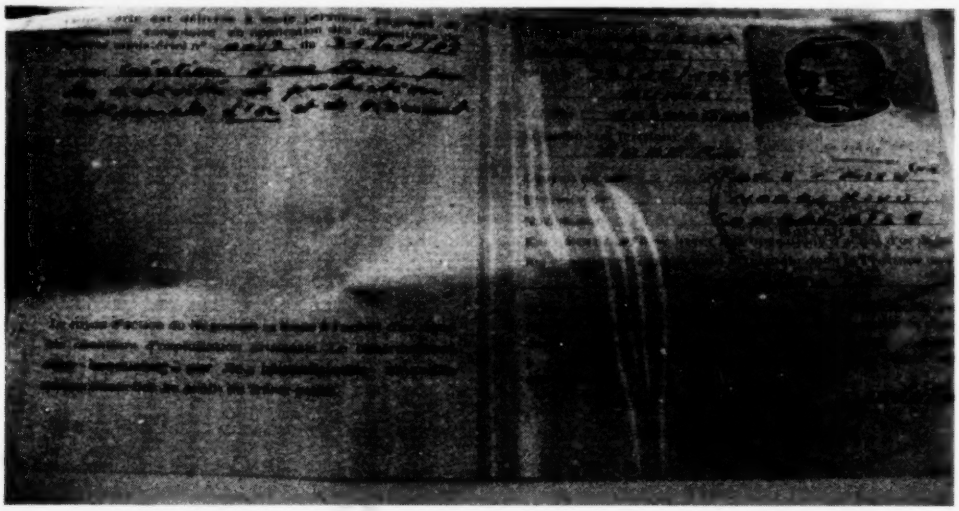


AUTORISATION D'EXPORTATION

Exportateur de COLTAN ... provenant du gisement SECONDAIRE ...
... aux dispositions légales en vigueur, suite à la demande n° 004/MHL/08/2009
... de Monsieur ... CARINE MWANGACHUCHU
... de la société ... M.H.1
... GOMA / NORD-KIVU
... à exporter ... DU COLTAN
... 26/08/2009 ... Tenant ... en ... de
... Poids net sec ... 25.465 KGS
... 26.345,60 KGS ... Nature des emballages ... FUTS METALLIQUES
... 51 ... Marques ... MH
... BISUNZU ... Période de production ... AOUT 2009
... REPUBLIQUE DEMOCRATIQUE DU CONGO
... AFRICAN VENTURES LTD 41-43 SHING WANG ROAD
... HONG-KONG
... Unitaire estimée ... 15,800 $US
... Globale estimée ... 381.975 $US
... BUNAGANA - BISASIRA OU GRANDE BARRIERE DE GOMA
... n° 191 du 21 Juin 1963 portant abrogation du décret du 2
... modifications aux dispositions du 29 Juin 1961 organisant le contrôle
... commerce extérieur, la sortie des marchandises de l'intérieur de la
... Commissariat du Congo est soumise à la déclaration préalable d'exportation
... 10.500 Kgs
... 27 SEPTEMBRE 2009
... 28 AOUT 2009

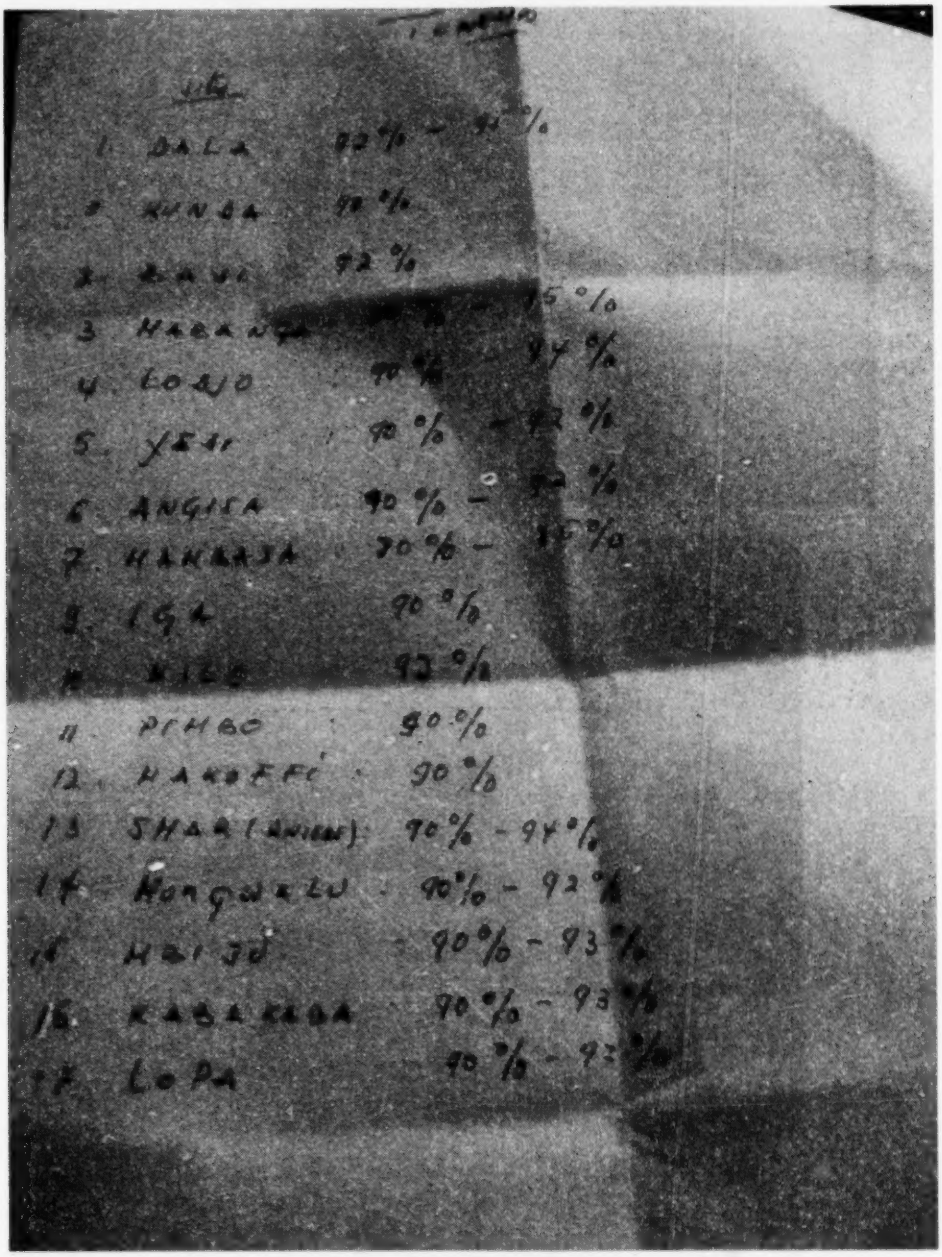
Annex 95

Copy of Edmond Kasereka's licence to trade gold (top picture) and picture of the place where Mr. Kasereka is known to work in Bunia (under the tree)



Annex 96

Information on the purity of gold purchased by COPED across Ituri, including Bavi, Aveba


1. DALA 92 % - 95 %
2. KUNDA 92 %
3. BAVI 92 %
3. MAGANGA 95 %
4. LOLO 90 % 94 %
5. YSAI 90 % - 92 %
6. ANGISA 90 % - 92 %
7. HANGAJA 90 % - 95 %
8. IGA 90 %
9. KILO 92 %
11. PIMBO 90 %
12. MAKOFFI 90 %
13. SHARI (ANGU) 90 % - 94 %
14. MONGWALU 90 % - 92 %
14. MBIJU 90 % - 93 %
15. KABAKABA 90 % - 93 %
16. LODA 90 % - 92 %

Annex 97

Document showing that Okimo supplied gold to a company in Dubai in 2009

REPUBLIQUE DEMOCRATIQUE DU CONGO

CD 0012214

MINISTERE DES MINES
CENTRE D'EVALUATION, D'EXPERTISE ET DE CERTIFICATION DES SUBSTANCES MINERALES PRECIEUSES ET SEMI-PRECIEUSES

PRODUIT: OR

CERTIFICAT D'ORIGINE A L'EXPORTATION

Nous certifions que le chargement n° 1144/CEEC/BUKAVU/2009 originaire de la République Démocratique du Congo exporté par COMPTOIR OKIMO / MINIERA détenteur (trice) de la licence d'exportation n° ____ Contenant lots (fûts, sacs, etc.) de 6 Kg a été évalué par le CEEC dont description au verso ou en annexe, à la date du 25/09/2009 est sorti par le poste de BUNIA (AEROPORT DE BUNIA) Date d'expiration: le ____

Nom et adresse du destinataire: CONCORDE SQUARE GENERAL TRADING P.O.B. 32736 DUBAI / UNITED EMIRATES AE

Transitant par KINSHASA (AEROPORT INTERNATIONAL DE N'DJILI)

SOUS L'AUTORITE DE LA REPUBLIQUE DEMOCRATIQUE DU CONGO

Eléments majeurs	Poids Net	Teneur %	Métal Contenu	Valeur USD
OR (Au)	6	95 %	OR	167,67
		9	Argent	2,68
Total OR (Au)		95 %		167,94

Délivré à BUNIA le 29/09/2009 République Démocratique du Congo

POUR LE CEEC

POUR LE MINISTRE DES MINES

NE PEUT ETRE OUVERT QUE PAR LES AUTORITES D'AUTORISATION A LA DESTINATION

CD 0012214

Annex 98

Synthesis of the statistics emerging from the analysis of the LRA satellite telephone call details (from 1 September 2008 to 15 August 2009). The complete set of call details for LRA satellite telephones known to the Group has been archived at the United Nations.

Total number of communications	1 743
2008 communications	1 636
2009 communications	107
Intra-LRA communications	856
Satellite-to-satellite communications	1 646
Communications with France-based numbers	12
Communications with Kenya-based numbers	22
Communications with Uganda-based numbers	52
Communications with United Kingdom-based numbers	5
Communications with Sudan-based numbers	6
Percentage of communications with satellite telephones	94.4
Percentage of duration of communication with satellite telephones	82
Date of the most recent communication	8 July 2009

Annex 99

Set of documents obtained from the Office national des transports of the Democratic Republic of the Congo related to the military cargo delivered by the *Bi Ro Bong*

ONATRA stevedoring invoice for the *Bi Ro Bong*

ONATRA
OFFICE NATIONAL DES TRANSPORTS
B.P. 99 KINSHASA I / TELEX 21017
TEL. 24.761 à 424
N° IDENTIFICATION NATIONALE A01801/H

Boma, le 20/02/2009
Page 1

FACTURE STEVEDORING

CCTE

N° 5662313 du 19/02/2009

ADRESSE DU CLIENT: MINISTERE DE DEFENSE/KINSHASA

navire BIRO BONG — N° Voyage 002 — à Boma du 21/01/2009 au 03/02/2009

DROIT DE QUAI
Tonneaux de jauge brute à € 0.10 — 99,70 €
99,70 €

HEURES SUPPLEMENTAIRES
35 Heures à Euro 61,15 par heure — 2 140,25 €
174,5 Heures à Euro 83,14 par heure — 14 507,93 €
16 648,18 €

TREUILLISTES
157 Heures normales à Euro 1,31 par heure — 205,67 €
907,5 Heures supplémentaires. à Euro 2,26 par heure — 920,95 €
1 126,62 €

LOCATION MATERIEL DE MANUTENTION
PLATEAUX
190 Pot 1 jour à Euro 5,92 par pce et par jour — 1 134,80 €
PALONNIERS
26 Pot 1 jour à Euro 2,94 par pce et par jour — 76,44 €
1 211,24 €

ONATRA
OFFICE NATIONAL DES TRANSPORTS
B.P. 99 KINSHASA I / TELEX 21017
TEL. 24.761 à 424
N° IDENTIFICATION NATIONALE A01801/H

Boma, le 20/02/2009
Page 2

FACTURE STEVEDORING

CCTE

N° 5662313 du 19/02/2009

ADRESSE DU CLIENT: MINISTERE DE DEFENSE/KINSHASA

navire BIRO BONG — N° Voyage 002 — à Boma du 21/01/2009 au 03/02/2009

Soit à votre débit en Euro 19 075,74

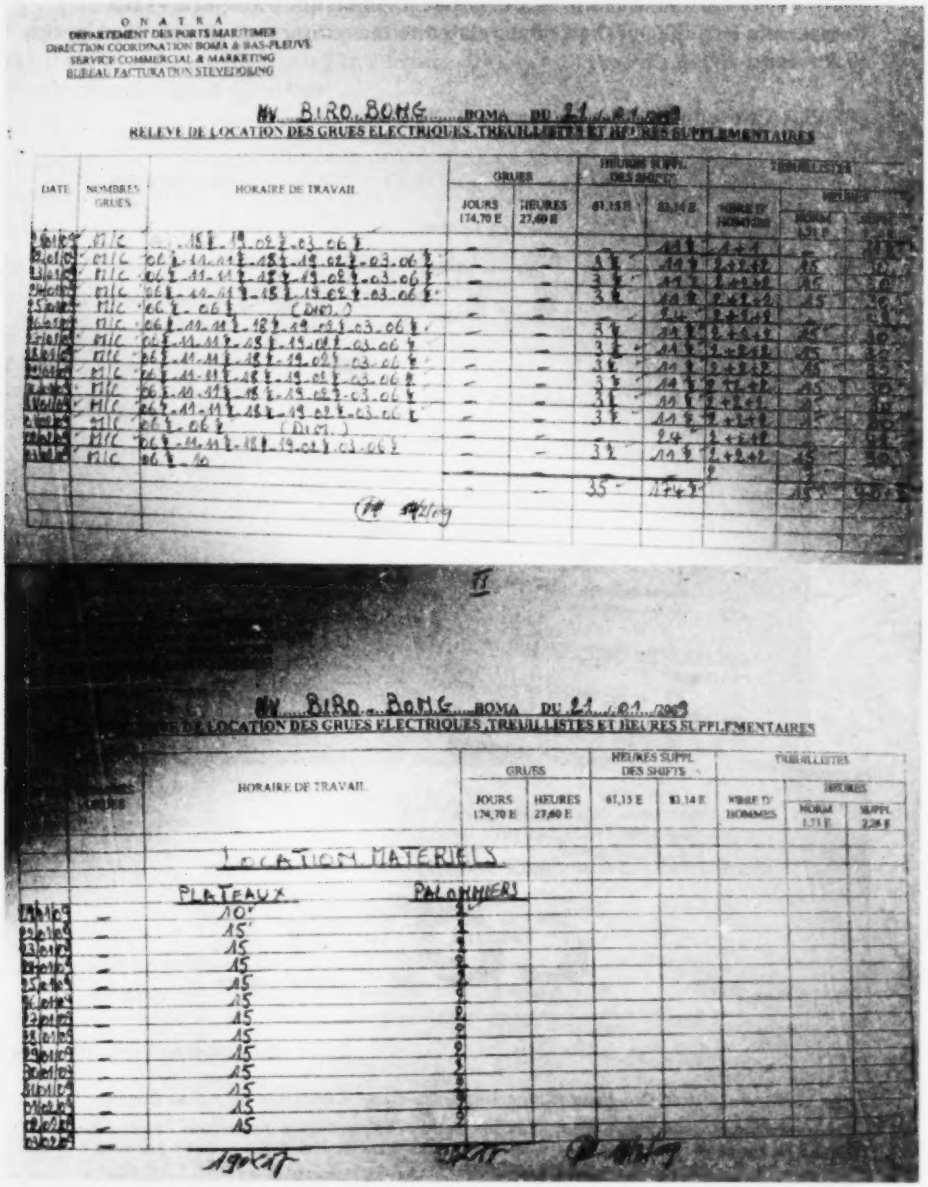
Nous disons: Euro Dix-Neuf Milles Septante-Cinq Centimes Septante-Quatre

" Nos Factures stevedoring sont payables soit en Euro, soit en Dollars Américains, 7 jours à dater de leur réception par vous. Passé ce délai, il sera calculé les intérêts de retard de 9% par mois. "

LE CHEF DE BUREAU STEVEDORING
DESA EBUKA

LE CHEF DE SERVICE COMM. & MARK.
KAMONI na-LUTETE

Bi Ro Bong hiring of electric cranes, winch operators and overtime



ONATRA
DEPARTEMENT DES PORTS MARITIMES
DIRECTION COORDINATION BOMA & BAS-FLEUVE
SERVICE COMMERCIAL & MARKETING
BUREAU FACTURATION STEVEDORING

MV BIRO BONG BOMA DU 21/01/2009

RELEVE DE LOCATION DES GRUES ELECTRIQUES, TREUILLISTES ET HEURES SUPPLEMENTAIRES

DATE	NOMBRES GRUES	HORAIRE DE TRAVAIL	GRUES		HEURES SUPPL. DES SHIFTS		TREUILLISTES		
			JOURS 174,70 E	HEURES 27,60 E	61,15 E	83,14 E	NBRE D' HOMMES	HEURES NORM 1,71 E	HEURES SUPPL 2,56 E
19/01/09	MLC	18 ½ - 19.02 ½ - 03.06 ½	—	—		11 ½	4+1	—	11 ½
20/01/09	MLC	06 ½ - 11.11 ½ - 18 ½ - 19.02 ½ - 03.06 ½	—	—	3 ½	11 ½	3+2+2	35	50
21/01/09	MLC	06 ½ - 11.11 ½ - 18 ½ - 19.02 ½ - 03.06 ½	—	—	3 ½	11 ½	3+2+2	35	50
22/01/09	MLC	06 ½ - 11.11 ½ - 18 ½ - 19.02 ½ - 03.06 ½	—	—	3 ½	11 ½	3+2+2	35	50
23/01/09	MLC	06 ½ - 06 ½ (DIM.)	—	—		2 ½	2+1+1	—	2 ½
24/01/09	MLC	06 ½ - 11.11 ½ - 18 ½ - 19.02 ½ - 03.06 ½	—	—	3 ½	11 ½	3+2+2	35	50
25/01/09	MLC	06 ½ - 11.11 ½ - 18 ½ - 19.02 ½ - 03.06 ½	—	—	3 ½	11 ½	3+2+2	35	50
26/01/09	MLC	06 ½ - 11.11 ½ - 18 ½ - 19.02 ½ - 03.06 ½	—	—	3 ½	11 ½	3+2+2	35	50
27/01/09	MLC	06 ½ - 11.11 ½ - 18 ½ - 19.02 ½ - 03.06 ½	—	—	3 ½	11 ½	3+2+2	35	50
28/01/09	MLC	06 ½ - 06 ½ (DIM.)	—	—		2 ½	2+1+1	—	2 ½
29/01/09	MLC	06 ½ - 11.11 ½ - 18 ½ - 19.02 ½ - 03.06 ½	—	—	3 ½	11 ½	3+2+2	35	50
30/01/09	MLC	06 ½ - 10	—	—		4	2+1+1	—	4
			—	—	35	117 ½		455	902 ½

(14 grues)

11

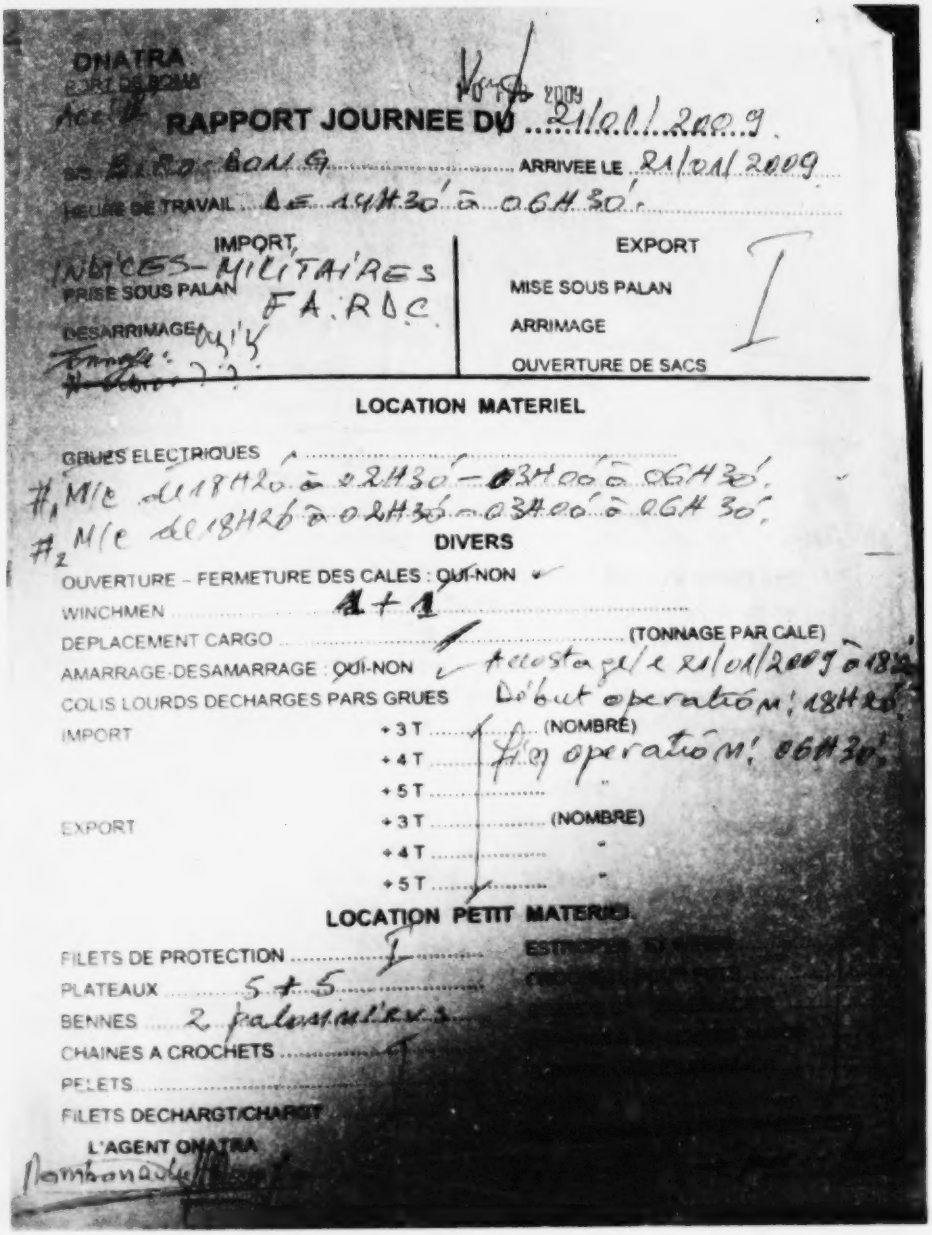
MV BIRO BONG BOMA DU 21/01/2009

RELEVE DE LOCATION DES GRUES ELECTRIQUES, TREUILLISTES ET HEURES SUPPLEMENTAIRES

DATE	NOMBRES GRUES	HORAIRE DE TRAVAIL	GRUES		HEURES SUPPL DES SHIFTS		TREUILLISTES		
			JOURS 174,70 E	HEURES 27,60 E	61,15 E	83,14 E	NBRE D' HOMMES	HEURES NORM 1,71 E	HEURES SUPPL 2,56 E
		LOCATION MATERIELS							
		PLATEAUX / PALONNIERS							
19/01/09	—	10' 1							
20/01/09	—	15' 1							
21/01/09	—	15' 1							
22/01/09	—	15' 1							
23/01/09	—	15' 1							
24/01/09	—	15' 1							
25/01/09	—	15' 1							
26/01/09	—	15' 1							
27/01/09	—	15' 1							
28/01/09	—	15' 1							
29/01/09	—	15' 1							
30/01/09	—	15' 1							

190 CAT

ONATRA daily report for *Bi Ro Bong* for 21 January 2009



ONATRA
PORT DE BOMA

RAPPORT JOURNEE DU 21/01/2009

M/S Bi Ro Bong ARRIVEE LE 21/01/2009

HEURE DE TRAVAIL De 14H30' à 06H30'.

IMPORT	EXPORT
PRISE SOUS PALAN	MISE SOUS PALAN
DESARRIMAGE	ARRIMAGE
	OUVERTURE DE SACS

INDICES-MILITAIRES FARDC

I

LOCATION MATERIEL

GRUES ELECTRIQUES

#1 M/C de 18H26 à 02H30 – 03H00 à 06H30'.

#2 M/C de 18H26 à 02H30 – 03H00 à 06H30'.

DIVERS

OUVERTURE – FERMETURE DES CALES : OUI-NON

WINCHMEN 1 + 1

DEPLACEMENT CARGO (TONNAGE PAR CALE)

AMARRAGE-DESAMARRAGE : OUI-NON Accostage le 21/01/2009 à 18H

COLIS LOURDS DECHARGES PARS GRUES Début operation: 18H26'

IMPORT +3 T (NOMBRE) Fin operation: 06H30'.

+4 T

+5 T

EXPORT +3 T (NOMBRE)

+4 T

+5 T

LOCATION PETIT MATERIEL

FILETS DE PROTECTION 1

PLATEAUX 5 + 5

BENNES 2 palonniers

CHAINES A CROCHETS

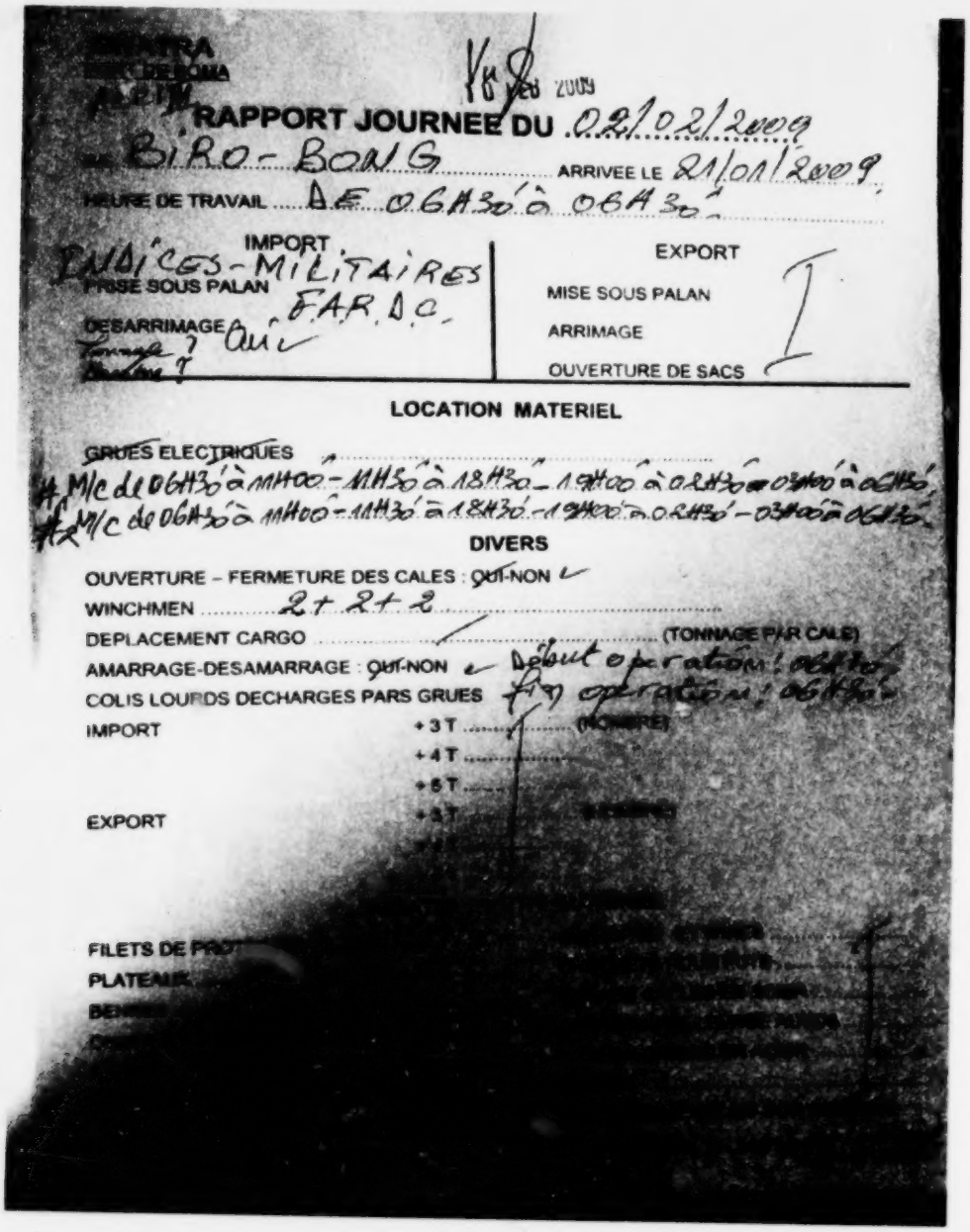
PELETS

FILETS DECHARGT/CHARGT

L'AGENT ONATRA

Nombonaka

ONATRA daily report for *Bi Ro Bong* for 2 February 2009



ONATRA
DIRECTION ROMA
AGENCE

RAPPORT JOURNEE DU 02/02/2009

M/V BI RO - BONG ARRIVEE LE 21/01/2009

HEURE DE TRAVAIL DE 06H30 à 06H30

IMPORT	EXPORT
DIVERS - MILITAIRES	
POSE SOUS PALAN	MISE SOUS PALAN
DESARRIMAGE F.A.R.D.C.	ARRIMAGE
Tonnage ? Oui	OUVERTURE DE SACS
Shelter ?	

LOCATION MATERIEL

GRUES ELECTRIQUES

M/C de 06H30 à 11H00 - 11H30 à 18H30 - 19H00 à 02H30 - 03H00 à 06H30.
M/C de 06H30 à 11H00 - 11H30 à 18H30 - 19H00 à 02H30 - 03H00 à 06H30.

DIVERS

OUVERTURE – FERMETURE DES CALES : OUI-NON

WINCHMEN 2 + 2 + 2

DEPLACEMENT CARGO (TONNAGE PAR CALE)

AMARRAGE-DESAMARRAGE : OUI-NON Début opération : 06H30

COLIS LOURDS DECHARGES PARS GRUES Fin opération : 06H30

IMPORT	+3T	(NOMBRE)
	+4T	
	+5T	
EXPORT	+3T	

FILETS DE PROT
PLATEAUX
BE
D

Annex 100

Documents referring to the *An Xin Jiang*'s May 2009 delivery of equipment and ammunition

***An Xin Jiang* bill of lading**

COSCO SHIPPING CO., LTD.

BILL OF LADING

Particulars Furnished by Merchants

SPECIAL CARGO

Freight and Charges

An Xin Jiang container packing list and dangerous goods manifest

AN XIN JIANG

CONTAINER PACKING LIST

LOADING PORT: DALIAN
DISCHG PORT: MATADI

SEQ.	CONTAINER NO.	SEAL NO.	Description	Package	N.W. (t)	U.N. NO.	CLASS NO.	S/L NO.
1	CESU2338986 ✓	60838G	AMMUNITION	667	21.000	0012	1.4S	DALO1
2	INBU3820764 ✓	60832G	AMMUNITION	667	21.013	0012	1.4S	DALO1
3	TGHU2328980 ✓	60836G	AMMUNITION	694	19.836	0012	1.4S	DALO1
4	TGHU2489270 ✓	60831G	AMMUNITION	694	19.836	0012	1.4S	DALO1
			EQUIPMENT	24	1.672			
5	CESU2343690 ✓	60822G	AMMUNITION	632	18.328	0012	1.4S	DALO1
			EQUIPMENT	84	1.504			
6	CESU2335672 ✓	60827G	AMMUNITION	315	9.450	0006	1.1F	DALO1
7	IPXU3275172 ✓	60828G	AMMUNITION	315	9.450	0006	1.1F	DALO1
8	CSDU2015206 ✓	60829G	AMMUNITION	38	1.110	0006	1.1F	DALO1
			EQUIPMENT	116	6.796			
9	INBU3668184 ✓	60821G	EQUIPMENT	114	6.042			DALO1
10	TGHU2411883 ✓	60835G	EQUIPMENT	114	6.042			DALO1
11	CESU2559097 ✓	60820G	EQUIPMENT	114	6.042			DALO1
12	TTNU3370922 ✓	60826G	EQUIPMENT	114	6.042			DALO1
13	TTNU3534630 ✓	60837G	EQUIPMENT	170	9.710			DALO1
14	TGHU2334428 ✓	60839G	EQUIPMENT	170	9.710			DALO1
15	CESU2514770 ✓	60834G	EQUIPMENT	144	9.792			DALO1
16	TGHU2653486 ✓	60830G	EQUIPMENT	116	7.888			DALO1
			TOTAL		190.663			

16 X 20' SOC (SHIPPER OWN CONTAINER) NO NEED TO RE FOLIO

7

DANGEROUS GOODS MANIFEST

PAGE NUMBER 3

NAME OF SHIP AN XIN JIANG | IMO NUMBER 8414934 | FLAG STATE OF SHIP CHINA | MASTER'S NAME

VOYAGE REFERENCE | PORT OF LOADING DALIAN | PORT OF DISCHARGE MATADI | SHIPPING AGENT PENAVICO DALIAN

CALL SIGN BOAR

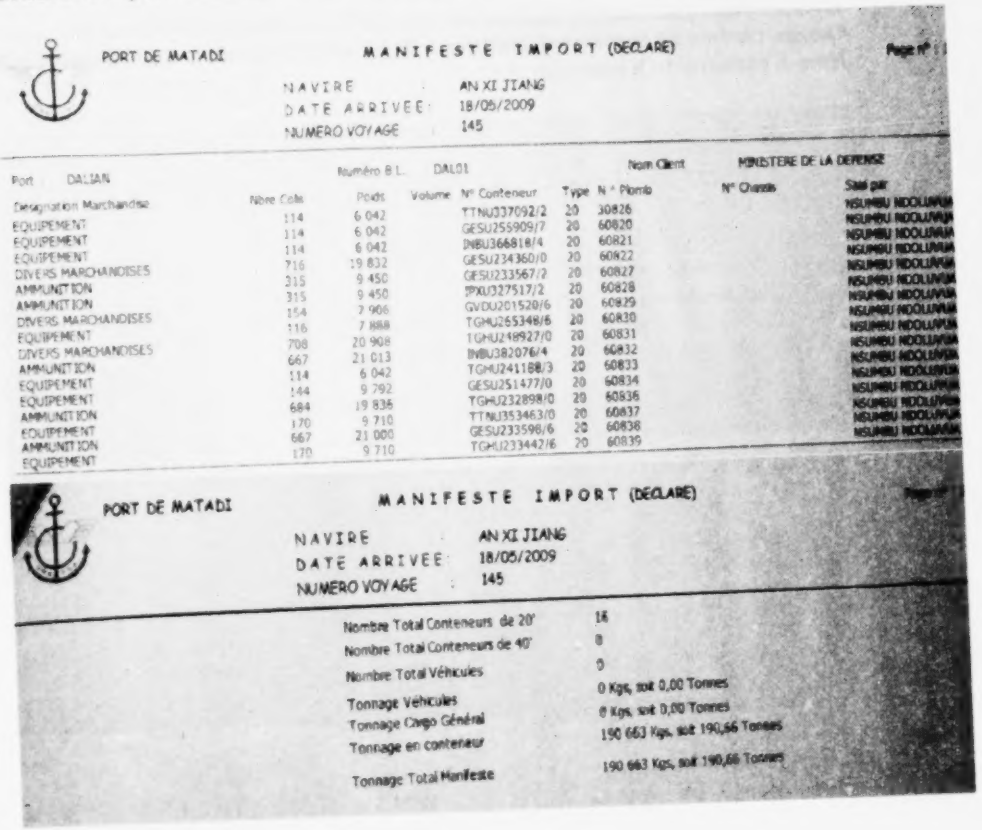
	CESU2338986 ✓ INBU3820764 ✓ TGHU2328980 ✓ TGHU2489270 ✓ CESU2343690 ✓	5344 PCS	AMMUNITION	1.4S	0012					16		
DALO1	CESU2335672 ✓ IPXU3275172 ✓ CSDU2015206 ✓	668 PCS	AMMUNITION	1.1F	0006					2		

AGENT'S SIGNATURE _____ MASTER'S SIGNATURE _____

PLACE AND DATE _____ PLACE AND DATE _____

IMO FAL FORM 7

ONATRA import manifest for *An Xin Jiang* (misspelled as An Xi Jiang)



PORT DE MATADI

MANIFESTE IMPORT (DECLARE)

Page n° : 1

NAVIRE : AN XI JIANG
DATE ARRIVEE : 18/05/2009
NUMERO VOYAGE : 145

Port : DALIAN — Numéro B.L. : DAL01 — Nom Client : MINISTERE DE LA DEFENSE

Désignation Marchandise	Nbre Colis	Poids	Volume	N° Conteneur	Type	N ° Plomb	N° Chassis	Saisi par
EQUIPEMENT	114	6 042		TTNU337092/2	20	30826		NSUMBU NDOLUAVUA
EQUIPEMENT	114	6 042		GESU255909/7	20	60820		NSUMBU NDOLUAVUA
EQUIPEMENT	114	6 042		INBU366818/4	20	60821		NSUMBU NDOLUAVUA
DIVERS MARCHANDISES	716	19 832		GESU234360/0	20	60822		NSUMBU NDOLUAVUA
AMMUNITION	315	9 450		GESU233567/2	20	60827		NSUMBU NDOLUAVUA
AMMUNITION	315	9 450		TPXU327517/2	20	60828		NSUMBU NDOLUAVUA
DIVERS MARCHANDISES	154	7 906		GVDU201520/6	20	60829		NSUMBU NDOLUAVUA
EQUIPEMENT	116	7 888		TGHU265348/6	20	60830		NSUMBU NDOLUAVUA
DIVERS MARCHANDISES	708	20 908		TGHU248927/0	20	60831		NSUMBU NDOLUAVUA
AMMUNITION	667	21 013		INBU382076/4	20	60832		NSUMBU NDOLUAVUA
EQUIPEMENT	114	6 042		TGHU241188/3	20	60833		NSUMBU NDOLUAVUA
EQUIPEMENT	144	9 792		GESU251477/0	20	60834		NSUMBU NDOLUAVUA
AMMUNITION	684	19 836		TGHU232898/0	20	60836		NSUMBU NDOLUAVUA
EQUIPEMENT	170	9 710		TTNU353463/0	20	60837		NSUMBU NDOLUAVUA
AMMUNITION	667	21 000		GESU233596/6	20	60838		NSUMBU NDOLUAVUA
EQUIPEMENT	170	9 710		TGHU233442/6	20	60839		NSUMBU NDOLUAVUA

PORT DE MATADI

MANIFESTE IMPORT (DECLARE)

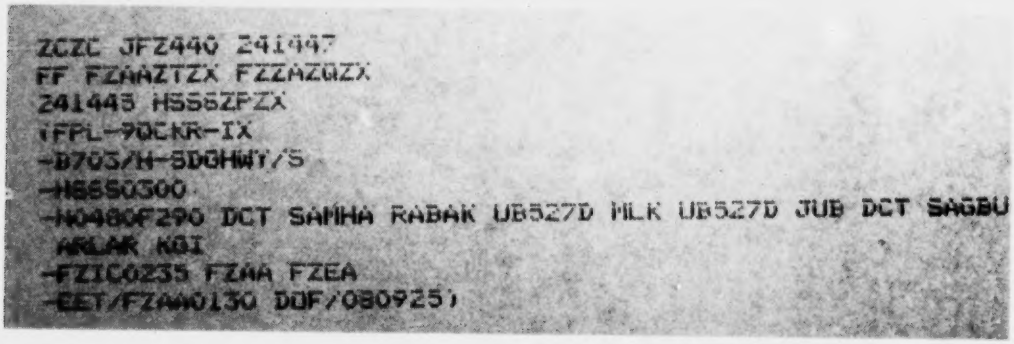
Page n° : 2

NAVIRE : AN XI JIANG
DATE ARRIVEE : 18/05/2009
NUMERO VOYAGE : 145

Nombre Total Conteneurs de 20'	16
Nombre Total Conteneurs de 40'	8
Nombre Total Véhicules	0
Tonnage Véhicules	0 Kgs, soit 0,00 Tonnes
Tonnage Cargo Général	0 Kgs, soit 0,00 Tonnes
Tonnage en conteneur	190 663 Kgs, soit 190,66 Tonnes
Tonnage Total Manifeste	190 663 Kgs, soit 190,66 Tonnes

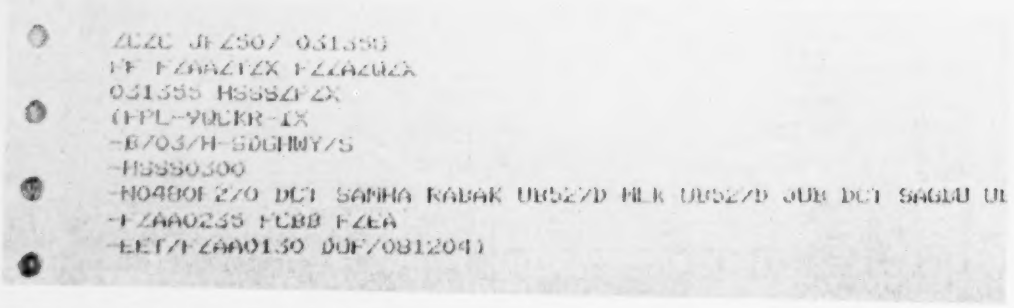
Annex 101

Telex of flight plan sent from Khartoum to the Democratic Republic of the Congo, filed on 24 September 2008 for a flight on 25 September 2008 by 9Q-CKR from Khartoum to Kisangani

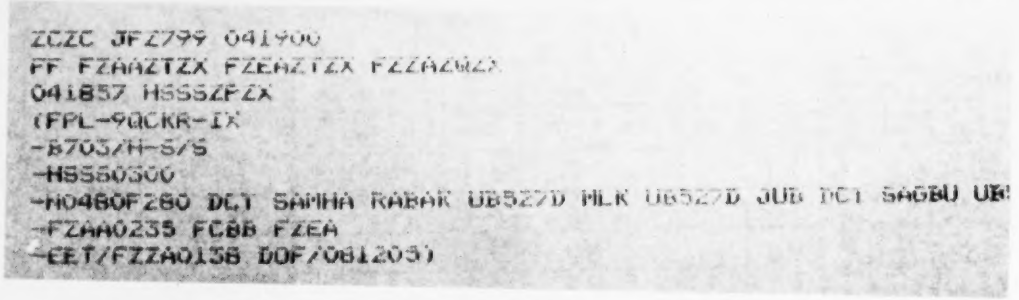


Annex 102

Telex sent from Khartoum to the Democratic Republic of the Congo for 9Q-CKR flight plans filed 3 and 4 December 2008, for flights from Khartoum to Kinshasa on 4 and 5 December 2008



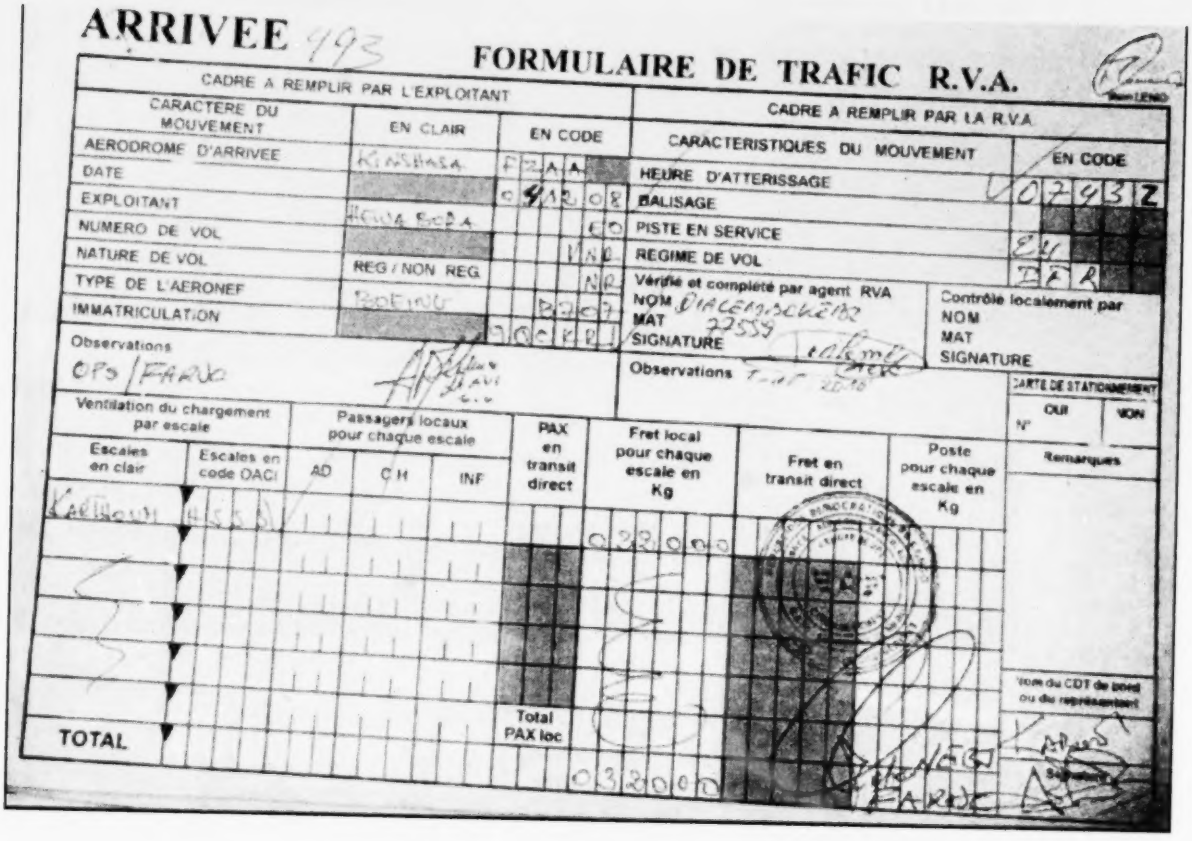
```
ZCZC JFZ307 031355
FF FZAAZTZX FZZAZQZA
031355 HSSSZFZX
(FPL-9QCKR-IX
-B703/H-SDGHWY/S
-HSSS0300
-N0480F270 DCT SAMHA RABAK UB527D MLK UB527D JUB DCT SAGBU UB
-FZAA0235 FCBB FZEA
-EET/FZAA0130 DOF/081204)
```



```
ZCZC JFZ799 041900
FF FZAAZTZX FZEAZTZX FZZAZQZA
041857 HSSSZFZX
(FPL-9QCKR-IX
-B703/H-S/S
-HSSS0300
-N0480F280 DCT SAMHA RABAK UB527D MLK UB527D JUB DCT SAGBU UB
-FZAA0235 FCBB FZEA
-EET/FZZA0138 DOF/081205)
```

Annex 103

"Formulaire de trafic RVA" for arrival of 9Q-CKR from Khartoum on 4 December 2008



ARRIVEE 493

FORMULAIRE DE TRAFIC R.V.A.

CADRE A REMPLIR PAR L'EXPLOITANT

CARACTERE DU MOUVEMENT	EN CLAIR	EN CODE
AERODROME D'ARRIVEE	KINSHASA	F Z A A
DATE		0 4 1 2 0 8
EXPLOITANT	HEWA BORA	
NUMERO DE VOL		
NATURE DE VOL		N
TYPE DE L'AERONEF	REG / NON REG	N R
IMMATRICULATION	BOEING	B 7

Observations: OPS / FAHO

CADRE A REMPLIR PAR LA R.V.A.

CARACTERISTIQUES DU MOUVEMENT	EN CODE
HEURE D'ATTERISSAGE	0 7 4 3 Z
BALISAGE	
PISTE EN SERVICE	0 4
REGIME DE VOL	I F R

Vérifié et complété par agent RVA
NOM DIACEMBOUEMBA
MAT 22559
SIGNATURE

Contrôle localement par
NOM
MAT
SIGNATURE

Observations T-OF 2010

CARTE DE STATIONNEMENT: OUI / NON / N°

Ventilation du chargement par escale

Escales en clair	Escales en code OACI	Passagers locaux pour chaque escale AD	CH	INF	PAX en transit direct	Fret local pour chaque escale en Kg	Fret en transit direct	Poste pour chaque escale en Kg
KARTHOUM	H S S D					0 2 2 0 0 0		
TOTAL					Total PAX loc	0 3 2 0 0 0		

Remarques

Nom du CDT de bord ou du représentant

Signature

Annex 104

9Q-CKR flight plan filed in Khartoum and sent by telex from Khartoum to Kinshasa

```
ZCZC FJ2655 111451
FF FZAAZTZX FZZAZUZX
111448 HSSSZPZX
(FPL-9QCKR-IX
-B/OS/H-S/S
-HSSS0300
-N0480F270 DCT SAMNA NAVAK UB52/D MLK UB52/D JUB DCT SAGAD UB553 KSA
-FZAA0255 FALA FZVA
-EET/FZZA0138 DOF/090212)
```

Annex 105

Telex of flight plans sent from Khartoum to the Democratic Republic of the Congo for 9Q-CRM flights from Khartoum to Kisangani on 25 September 2008, 27 October 2008 and 1 November 2008, respectively

```
ZCZC JFZ714 241923
FF FZAAZTZX FZZAZQZX
241923 HSSSZPZX
(FPL-9QCRM-IX
-B707/H-SDGHWY/S
-HSSS0400
-N0460F310 DCT SAMHA RABAK UB527D MLK UB527D JUB DCT SAGBU UB535
 ARLAR KGI
-FZIC0225 FZAA FNLU
-EET/FZAA0130 DOF/080925
-E/0600 P/005 R/UV J/N D/01 008 ORANGE A/WHITE AND GREY C/NDANZIA )
```

```
ZCZC JFZ240 261039
FF FZZAZQZX
261037 HSSSZPZX
(FPL-9QCRM-IN
-B707/H-S/C
-HSSS0300
-N0460F270 DCT SAMHA UB527D MLK JUB DCT SAGBU UB535 ARLAR KGI
-FZIC0225 FZEA
-EET/FZAA0150 DOF/081027)
```

```
ZCZC JFZ647 311400
FF FZAAZTZX FZEAZTZX FZZAZQZX
311358 HSSSZPZX
(FPL-9QCRM-IM
-B707/H-S/C
-HSSS0300
-N0463F270 DCT SAMHA UB527D MLK JUB DCT SAGBU UB535 ARLAR KGI
-FZIC0235 FZEA FZAA
-EET/FZAA0130 DOF/081101
-E/0500 F/008 R/UV J/N D/01 125 YELLOW A/WHITE GREY C/MUNGANGA )
```

Annex 106

Hotel bills related to Mr. Popov's stay in Kinshasa in February and August 2009 and details of his passports

Date	Description		Charges USD	Payments USD
07-02-09	CASH	ROOM PVT		1,110.00
07-02-09	ROOM CHARGE		140.00	
07-02-09	TOURISM & LOCAL TAX - TAXE TOURISME		60.00	
08-02-09	PALOTTE LUNCH FOOD	#[illegible] CHECK #[illegible]	154.00	
08-02-09	LATINUM DINNER FOOD	#[illegible] CHECK #[illegible]	105.00	
08-02-09	ROOM CHARGE		140.00	
08-02-09	TOURISM & LOCAL TAX - TAXE TOURISME		60.00	
09-02-09	LATINUM DINNER FOOD	#[illegible] CHECK #[illegible]	35.00	
09-02-09	ROOM CHARGE		140.00	
09-02-09	TOURISM & LOCAL TAX - TAXE TOURISME		60.00	
10-02-09	PALOTTE DINNER FOOD	#684 CHECK #6634	42.00	
10-02-09	ROOM CHARGE		210.00	
10-02-09	TOURISM & LOCAL TAX - TAXE TOURISME		90.00	
11-02-09	PALOTTE DINNER FOOD	#[illegible] CHECK #6657	63.00	
11-02-09	PALOTTE DINNER FOOD	#[illegible] CHECK #6658	111.00	
11-02-09	ROOM CHARGE		210.00	
11-02-09	TOURISM & LOCAL TAX - TAXE TOURISME		90.00	
12-02-09	CASH	EXTRAS ROOM #[illegible]		552.00
		Total	**2,112.00**	**2,112.00**
		Balance	**0.00**	

GRANDS HOTELS DU CONGO S.C.A.R.L. B.P. / P.O.BOX [illegible] KINSHASA [illegible]
VODACOM: +243 [illegible] CADIS: +243 [illegible]

CASHIER

GUEST SIGNATURE

GRANDS HOTELS DU CONGO S.C.A.R.L. B.P. / P.O.BOX [illegible] KINSHASA [illegible]
VODACOM: +243 [illegible] CADIS: +243 [illegible]

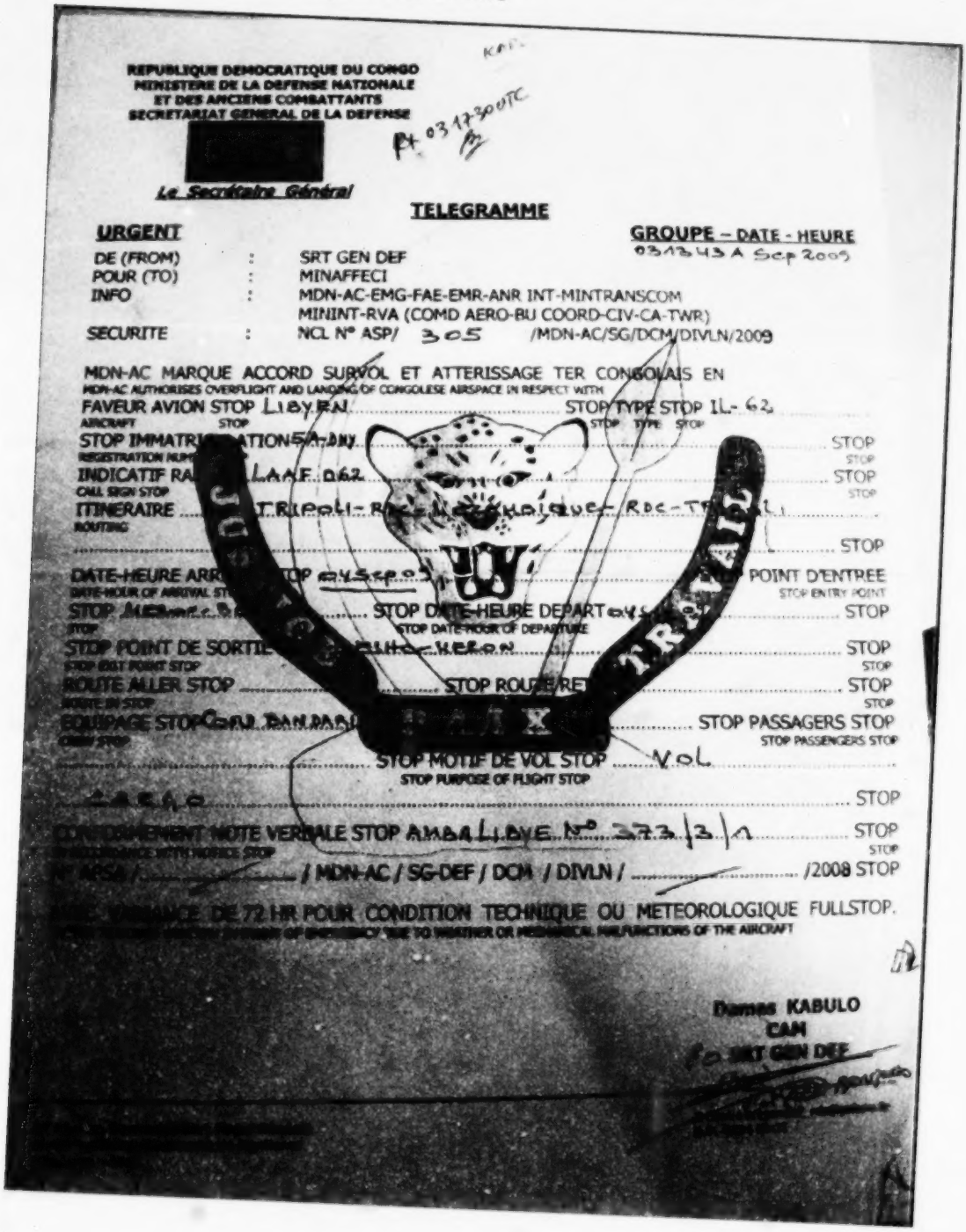
CASHIER

GUEST SIGNATURE

РОССИЙСКАЯ ФЕДЕРАЦИЯ
RUSSIAN FEDERATION
07.07.1965
04.03.2009
04.03.2014
РОССИЙСКАЯ ФЕДЕРАЦИЯ
RUSSIAN FEDERATION
07.07.1965
11.09.2006
11.09.2011
P<RUSPOPOV<<DMITRY<<<<<<<<<<<<<<<<<<<<<<<<<<<<
5134383650RUS6507073M1109117<<<<<<<<<<<<<<<6

Annex 107

Authorization for overflight and landing in the Democratic Republic of the Congo for the aircraft registered as 5A-DNY



REPUBLIQUE DEMOCRATIQUE DU CONGO
MINISTERE DE LA DEFENSE NATIONALE
ET DES ANCIENS COMBATTANTS
SECRETARIAT GENERAL DE LA DEFENSE

[redacted]

Le Secrétaire Général

TELEGRAMME

URGENT

GROUPE – DATE - HEURE
031343A Sep 2009

DE (FROM) : SRT GEN DEF
POUR (TO) : MINAFFECI
INFO : MDN-AC-EMG-FAE-EMR-ANR INT-MINTRANSCOM
MININT-RVA (COMD AERO-BU COORD-CIV-CA-TWR)
SECURITE : NCL N° ASP/ 305 /MDN-AC/SG/DCM/DIVLN/2009

MDN-AC MARQUE ACCORD SURVOL ET ATTERISSAGE TER CONGOLAIS EN
MDN-AC AUTHORISES OVERFLIGHT AND LANDING OF CONGOLESE AIRSPACE IN RESPECT WITH
FAVEUR AVION STOP LIBYAN STOP TYPE STOP IL- 62
AIRCRAFT STOP
STOP IMMATRICULATION 5A-DNY STOP
REGISTRATION ALPHA
INDICATIF RADIO LAAF 062 STOP
CALL SIGN STOP
ITINERAIRE TRIPOLI- R[illegible] RDC- T[illegible]
ROUTING
STOP
DATE-HEURE ARRIVEE STOP 04Sep09 POINT D'ENTREE
DATE-HOUR OF ARRIVAL STOP STOP ENTRY POINT
STOP STOP DATE-HEURE DEPART 04 STOP
STOP DATE-HOUR OF DEPARTURE
STOP POINT DE SORTIE STOP
STOP EXIT POINT STOP
ROUTE ALLER STOP STOP ROUTE RETOUR STOP
ROUTE IN STOP
EQUIPAGE STOP [illegible] STOP PASSAGERS STOP
CREW STOP STOP PASSENGERS STOP
STOP MOTIF DE VOL STOP Vol
STOP PURPOSE OF FLIGHT STOP
[illegible] STOP
CONFORMEMENT NOTE VERBALE STOP AMBASSADE N° 373/3/1 STOP
IN ACCORDANCE WITH NOTICE STOP
N° ASP/ / MDN-AC / SG-DEF / DCM / DIVLN / /2008 STOP
[illegible] DE 72 HR POUR CONDITION TECHNIQUE OU METEOROLOGIQUE FULLSTOP.
[illegible] OF EMERGENCY DUE TO WEATHER OR MECHANICAL MALFUNCTIONS OF THE AIRCRAFT

Dames KABULO
CAM
Pour SRT GEN DEF

Annex 108

Steyr trucks operated by the Garde républicaine in Kisangani

Annex 109

Order for Steyrs from Democratic Republic of the Congo Ministry of Defence and bills of lading

REPUBLIQUE DEMOCRATIQUE DU CONGO

MINISTERE DE LA DEFENSE NATIONALE
ET DES ANCIENS COMBATTANTS

Le Ministre

Kinshasa, le 23.[illegible] 2007

N° MDNAC/CAB/ 2335 /2007

Transmis copie pour information à :

- **Son Excellence Monsieur le Président de la République;**
  « Avec l'expression de mes hommages les plus déférents »
  à KINSHASA/GOMBE
- **Son Excellence Monsieur le Premier Ministre ;**
  « Avec l'expression de ma haute considération »
  à KINSHASA/GOMBE
- **Son Excellence Monsieur le Ministre du Budget ;**
- **Son Excellence Monsieur le Ministre des Finances**
- **Monsieur le Chef d'Etat-Major Général des Forces Armées de la République Démocratique du Congo ;**
- **Monsieur l'Inspecteur Général des Forces Armées de la République Démocratique du Congo ;**
- **Monsieur le Chef d'Etat-Major Particulier du Président de la République ;**
- **Monsieur le Directeur Général de Logistique.**

(TOUS) à KINSHASA

Objet : Commande des camions tracteurs et des porte-chars.

A la Société DEMIMPEX – VRP S.A.
Rue Arthur [illegible] 100
B – 1130 Bruxelles (Belgium)

Messieurs,

J'ai l'honneur de vous passer commande des camions tracteurs et des porte-chars au profit du Ministère de la Défense Nationale et des Anciens Combattants, selon votre facture pro forma n° CDV 73440207 du 18 mai 2007 [illegible] votre offre sous référence du 8 novembre 2007.

1. Objet du marché

Fourniture de :

- 03 camions tracteurs, marque WESTERN STAR TRUCK SOLAR-3764SS 6x4 au prix unitaire de 69.000,00 $US CIF BOMA soit un total de **207.000,00 $US** ;
- 10 camions, marque STEYR 6x4 au prix unitaire de 77.500,00 $US CIF BOMA soit un total de **775.000,00 $US** ;
- 10 remorques, marque CONDEC M 747 au prix unitaire de 55.000,00 $US soit un total de **550.000,00 $US**.

Soit un montant global de **1.532.000,00 $US.**

.../...

2. Montant du marché

Le montant du marche s'élève à **1.532.000,00 (DOLLARS AMERICAINS UN MILLION CINQ CENT TRENTE-DEUX MILLE)**.

3. Délai de livraison

Les matériels commandés sont à livrer dans un délai de six (06) semaines prenant cours dès réception du paiement. La livraison aura lieu au port de BOMA.

4. Réception

La réception qualitative et quantitative, sera effectuée par une Commission ad hoc de l'Administration.

5. Modalités de paiement

Le montant total du marché est payable 100% à la commande.

6. Coordonnées bancaires

FORTIS BANK - Montage du Parc, 3, EU - B1000 Brussels
FORTIS Account : 210-0581554-91
IBAN : BE23 2100 5815 5491
SWIFT : GEBABEBB 36 A.

7. Qualité de la marchandise

Les véhicules à livrer doivent être neufs, conformes aux spécifications techniques du fabricant et exempts de tout défaut. Ils devront être livrés ensemble avec leurs manuels ainsi que tous les autres accessoires.

8. Pénalités pour le retard

En cas de retard dans la livraison, il sera appliqué les pénalités prévues à l'article 66 du Cahier Général des Charges.

Le présent marché est soumis aux clauses et conditions contenues dans l'ordonnance n° 69-279 du 5 décembre 1969 ainsi qu'à son annexe constituant le Cahier Général des Charges.

La mention « Vu et Accord » apposée à la présente lettre de commande marque votre engagement à vous conformer aux clauses y reprises.

Veuillez agréer, **Messieurs,** l'expression de ma considération distinguée.

CHIKEZ D[illegible]U

Safmarine

BILL OF LADING FOR OCEAN TRANSPORT OR MULTIMODAL TRANSPORT

525651114

DEMBIPEX VRP
RUE A. MASS 100
1120 HASEN
BELGIQUE

525651114

GOUVERNEMENT DE LA REPUBLIQUE DEMOCRATIQUE
DU CONGO
KINSHASA
REP DEM. DU CONGO

SAFMARINE ANGOLA

0801

Kinsiang

Matadi

PARTICULARS FURNISHED BY SHIPPER - CARRIER NOT RESPONSIBLE

Cargo Description,
COE MINISTERE DE LA DEFENSE NATIONALE
ET DES ANCIENS COMBATTANTS
MONAC/CABCOSA/2007
10 CAMIONS STEYR 8*4 TRACTOR
CHASSIS LZZACLBA[illegible]
LZZACLBA7W[illegible] • LZZACLBA7W[illegible] •
LZZACLBA7W[illegible] • LZZACLBA7W[illegible] •
LZZACLBA7W[illegible] • LZZACLBA7W[illegible] •
LZZACLBA7W[illegible] • LZZACLBA7W[illegible]
LZZACLBA7W[illegible]
• 10 REMORQUES EN 5 PACKAGES
CHASSIS LSTB[illegible] • LSTB[illegible] •
LSTB[illegible] • LSTB[illegible] •
LSTB[illegible] • LSTB[illegible] •
LSTB[illegible] • LSTB[illegible] •
LSTB[illegible] • LSTB[illegible]

REMARKS
1 STACKED IN OPEN AREA BEFORE SHIPMENT
2 DUST WAS FOUND ON SURFACE, AFFECTS ALL

216200,000 KGS

1094,497 CBM

2 (two/s)

Antwerp

THREE/3

2009-07-09

2009-07-09

COPY

REPUBLIQUE DEMOCRATIQUE DU CONGO

MINISTERE DE LA DEFENSE NATIONALE
ET DES ANCIENS COMBATTANTS

Le Ministre

Kinshasa, le 15 APR 2008

N° MDNAC/CAB/ 0633 /2008

Transmis copie pour information à :

- Son Excellence Monsieur le Président de la République ;
  « Avec l'expression de mes hommages les plus déférents »
  à KINSHASA/GOMBE
- Son Excellence Monsieur le Premier Ministre ;
  « Avec l'expression de ma haute considération »
  à KINSHASA/GOMBE
- Son Excellence Monsieur le Ministre du Budget ;
- Son Excellence Monsieur le Ministre des Finances
- Monsieur le Chef d'Etat-Major Général des Forces Armées de la République Démocratique du Congo ;
- Monsieur l'Inspecteur Général des Forces Armées de la République Démocratique du Congo ;
- Monsieur le Chef d'Etat-Major Particulier du Président de la République ;
- Monsieur le Directeur Général de Logistique.

(TOUS) à KINSHASA

Objet : Commande des camions tracteurs et des porte-chars.

A la Société DEMIMPEX – VRP S.A.
Rue Arthur Maes 100
B – 1130 Brussels (Belgium)

Messieurs,

J'ai l'honneur de vous passer commande des camions tracteurs et des porte-chars au profit du Ministère de la Défense Nationale et des Anciens Combattants, selon votre facture pro forma du 12 mars 2008.

1. **Objet du marché**

Fourniture de :

- *40 camions STEYR 6x4 TRACTOR (couleur militaire) au prix unitaire de 84.650,00 $US CIF BOMA soit un total de* **3.386.000,00 $US** ;
- *40 Remorques ST9401 (couleur militaire) au prix unitaire de 73.700,00 $US CIF BOMA soit un total de* **2.948.000,00 $US**.

Soit un montant global de **6.334.000,00 $US.**

2. **Montant du marché**

Le montant du marché s'élève à **6.334.000,00 (dollars américains SIX MILLIONS TROIS CENT TRENTE-QUATRE MILLE).**

.../...

3. Délai de livraison

Les matériels commandés sont à livrer dans un délai de six (06) semaines prenant cours dès réception du paiement. La livraison aura lieu au port de BOMA.

4. Réception

La réception qualitative et quantitative sera effectuée par une Commission ad hoc de l'Administration.

5. Modalités de paiement

Le montant total du marché est payable 100% à la commande.

6. Coordonnées bancaires

FORTIS BANK - Montage du Parc, 3, EU - B1000 Brussels
FORTIS Account : **210-0581584-91**
IBAN : **BE23 2100 5815 5491**
SWIFT : **GEBABEBB 36 A**

7. Qualité de la marchandise

Les véhicules à livrer doivent être neufs, conformes aux spécifications techniques du fabricant et exempts de tout défaut. Ils devront être livrés ensemble avec leurs manuels ainsi que tous les autres accessoires.

8. Pénalités pour le retard

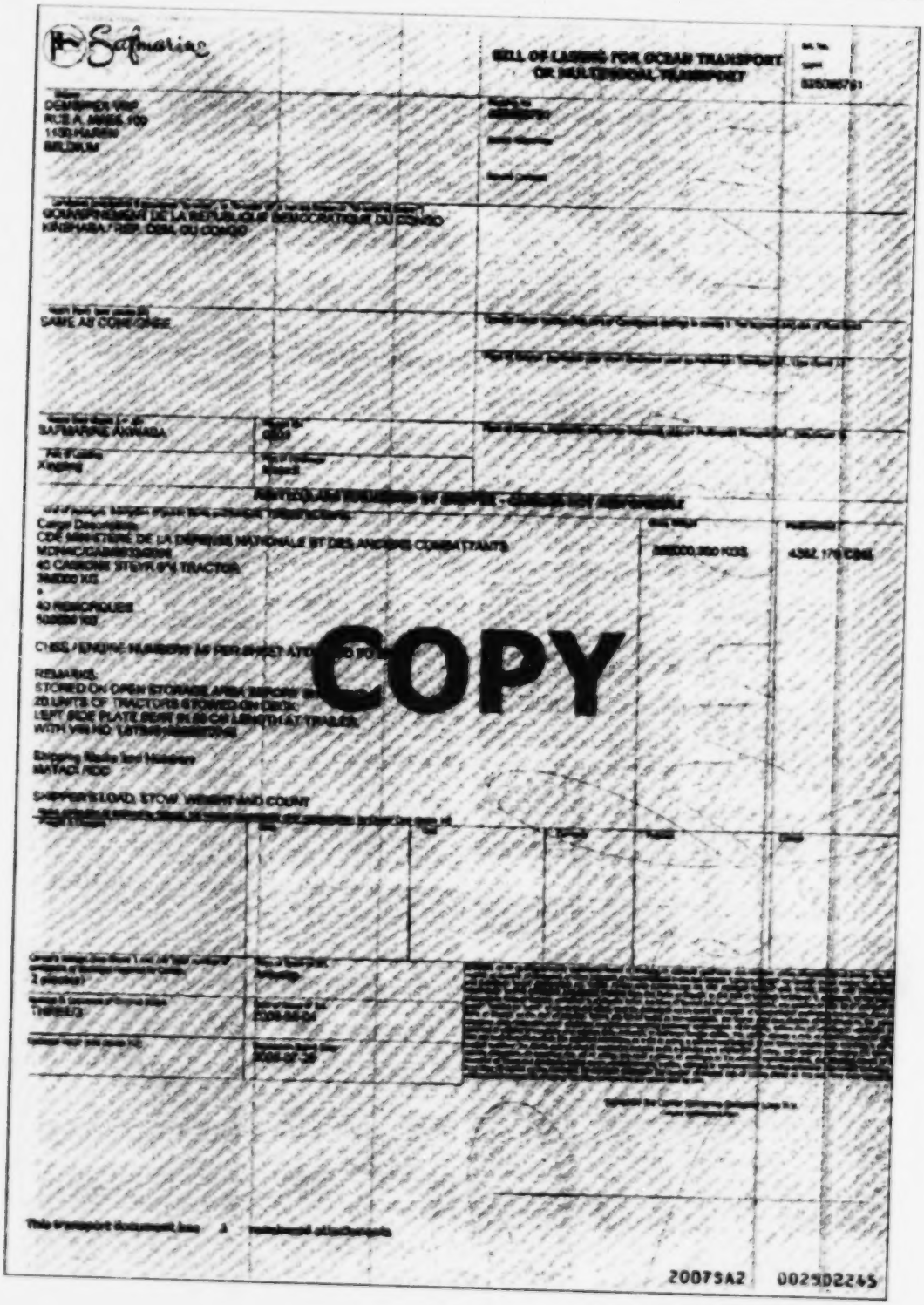
En cas de retard dans la livraison, il sera appliqué les pénalités prévues à l'article 66 du Cahier Général des Charges.

Le présent marché est soumis aux clauses et conditions contenues dans l'ordonnance n° 69-279 du 5 décembre 1969 ainsi qu'à son annexe constituant le Cahier Général des Charges.

La mention « Vu et Accord » apposée à la présente lettre de commande marque votre engagement à vous conformer aux clauses y reprises.

Veuillez agréer, **Messieurs,** l'expression de ma considération distinguée.

CHINEZ DIEKU



Safmarine

BILL OF LADING FOR OCEAN TRANSPORT
OR MULTIMODAL TRANSPORT

DGMP/PPEM/DAF
RUE A. ANSEE 109
1030 HARRIS
BRUSSELS

GOUVERNEMENT DE LA REPUBLIQUE DEMOCRATIQUE DU CONGO
KINSHASA / REP. DEM. DU CONGO

SAFE AS CONFIGNEE

SAFMARINE ANGOLA

Cargo Description
CDE MINISTERE DE LA DEFENSE NATIONALE ET DES ANCIENS COMBATTANTS
MONACO/GABON/CONGO
40 CASSONS STEYR 6*4 TRACTOR
40 REMORQUES

COPY

REMARKS:
STORED ON OPEN STORAGE AREA BEFORE
20 UNITS OF TRACTORS STOWED ON DECK
LEFT SIDE PLATE REAR BUSH OF LENGTH AT TRAILER
WITH VIN NO:

Shipping Marks and Numbers
MATADI RDC

SHIPPER'S LOAD, STOW, WEIGHT AND COUNT

2 pkg(s)

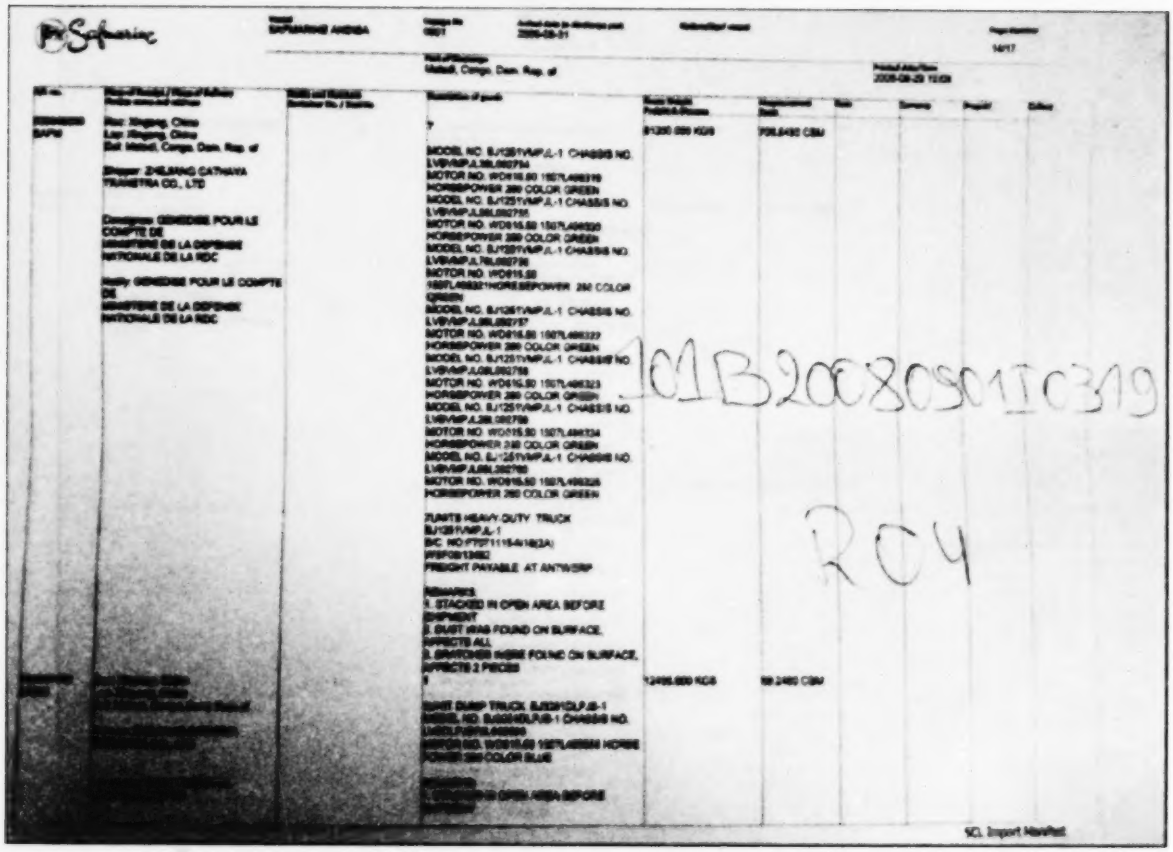
THREE(3)

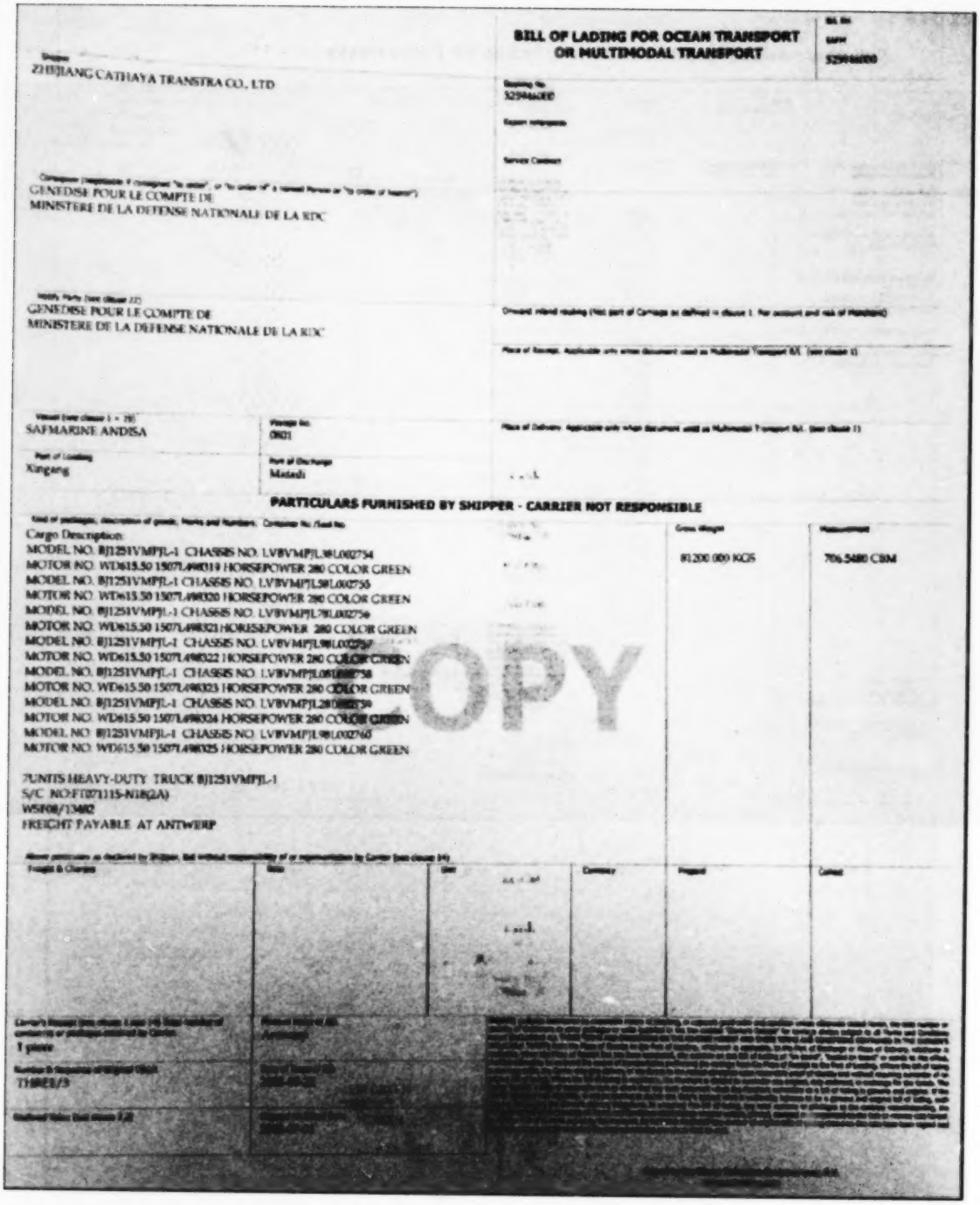
This transport document has a numbered attachment

20073A2 0025D2245

Annex 110

***Safmarine Andisa* manifest and bill of lading for Foton trucks**





BILL OF LADING FOR OCEAN TRANSPORT OR MULTIMODAL TRANSPORT

ZHEJIANG CATHAYA TRANSTRA CO., LTD

GENEDISE POUR LE COMPTE DE
MINISTERE DE LA DEFENSE NATIONALE DE LA RDC

GENEDISE POUR LE COMPTE DE
MINISTERE DE LA DEFENSE NATIONALE DE LA RDC

SAFMARINE ANDISA

0921

Xingang

Matadi

PARTICULARS FURNISHED BY SHIPPER - CARRIER NOT RESPONSIBLE

Cargo Description:

	Gross Weight	Measurement
MODEL NO. BJ1251VMPJL-1 CHASSIS NO. LVBVMPJL98L002754 MOTOR NO. WD615.50 1507L498319 HORSEPOWER 280 COLOR GREEN MODEL NO. BJ1251VMPJL-1 CHASSIS NO. LVBVMPJL98L002755 MOTOR NO. WD615.50 1507L498320 HORSEPOWER 280 COLOR GREEN MODEL NO. BJ1251VMPJL-1 CHASSIS NO. LVBVMPJL78L002756 MOTOR NO. WD615.50 1507L498321 HORSEPOWER 280 COLOR GREEN MODEL NO. BJ1251VMPJL-1 CHASSIS NO. LVBVMPJL98L002757 MOTOR NO. WD615.50 1507L498322 HORSEPOWER 280 COLOR GREEN MODEL NO. BJ1251VMPJL-1 CHASSIS NO. LVBVMPJL08L002758 MOTOR NO. WD615.50 1507L498323 HORSEPOWER 280 COLOR GREEN MODEL NO. BJ1251VMPJL-1 CHASSIS NO. LVBVMPJL28L002759 MOTOR NO. WD615.50 1507L498324 HORSEPOWER 280 COLOR GREEN MODEL NO. BJ1251VMPJL-1 CHASSIS NO. LVBVMPJL98L002765 MOTOR NO. WD615.50 1507L498325 HORSEPOWER 280 COLOR GREEN 7UNITS HEAVY-DUTY TRUCK BJ1251VMPJL-1 S/C NO:FT071115-N18(2A) WSF08/13482 FREIGHT PAYABLE AT ANTWERP	81200.000 KGS	706.5480 CBM

Freight & Charges	Rate	Per	Currency	Prepaid	Collect

1 piece

T1HE3/3

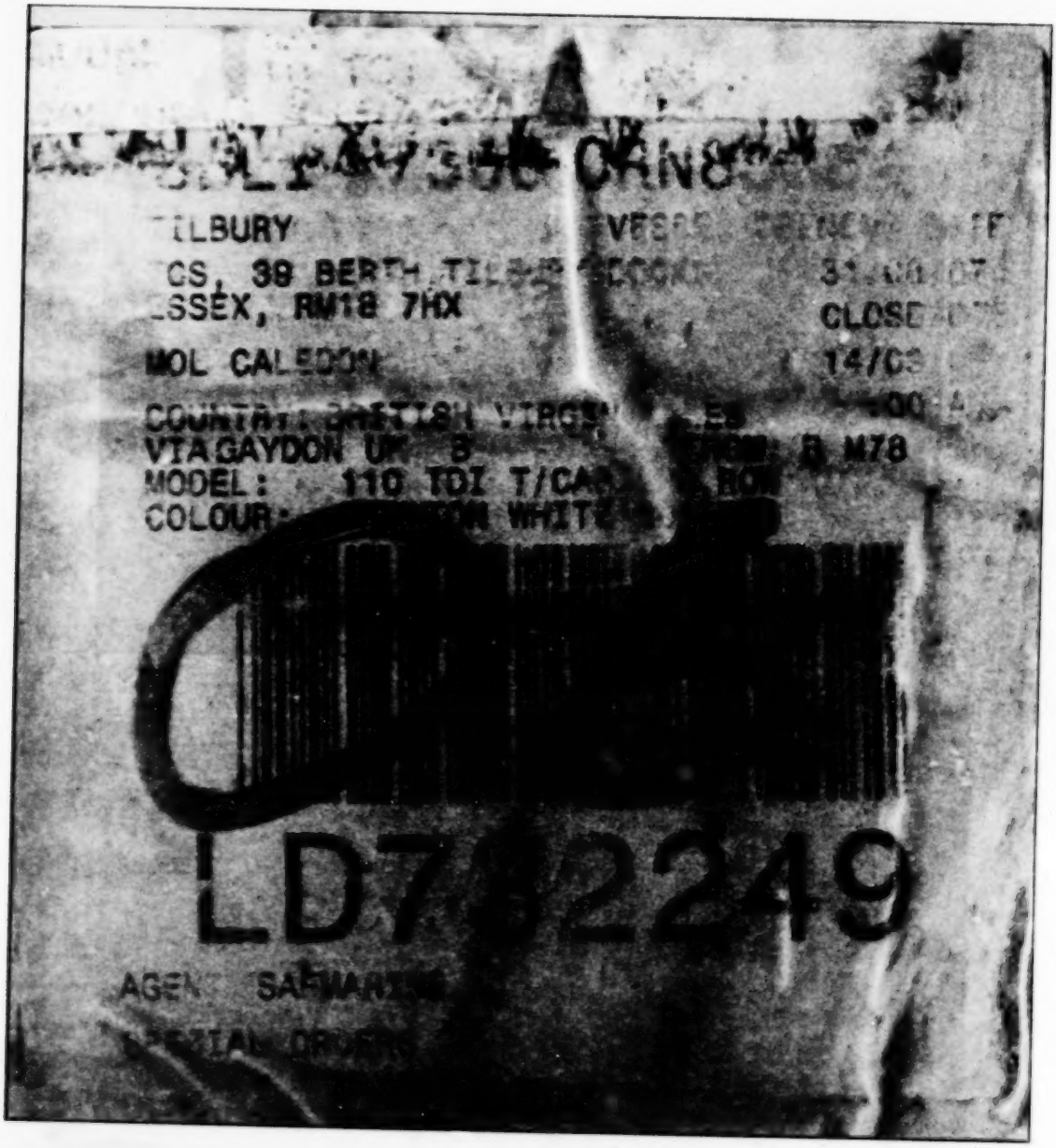
COPY

Annex 111

Brand new Land Rover Defenders with CMC SPRL stickers and FARDC licence plates

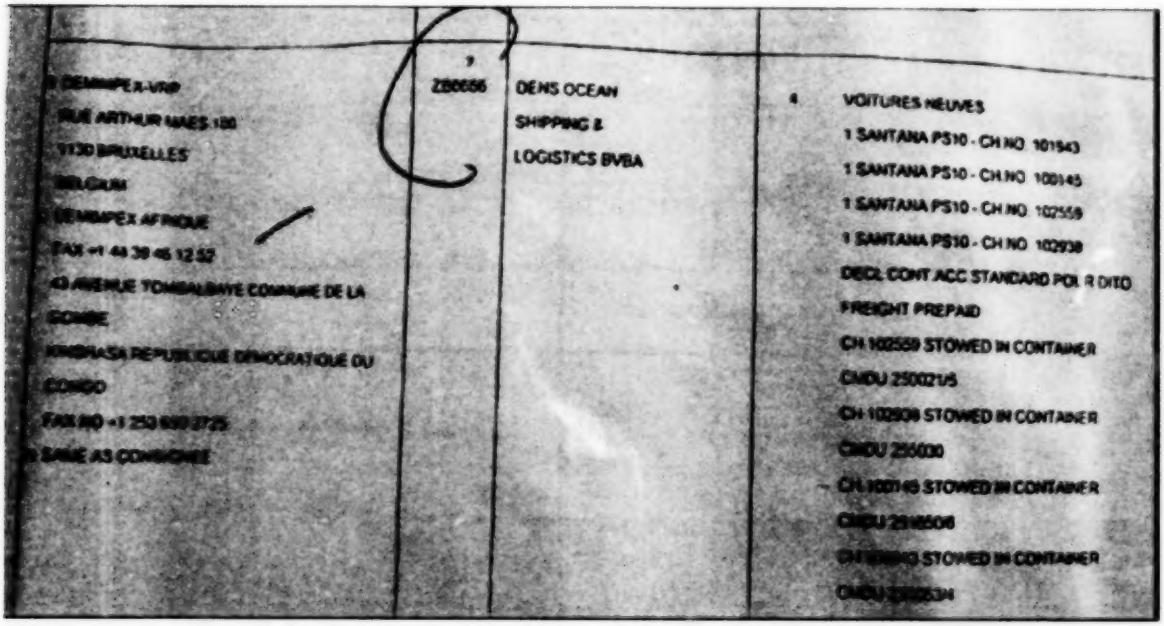
Annex 112

Land Rover shipment document



Annex 113

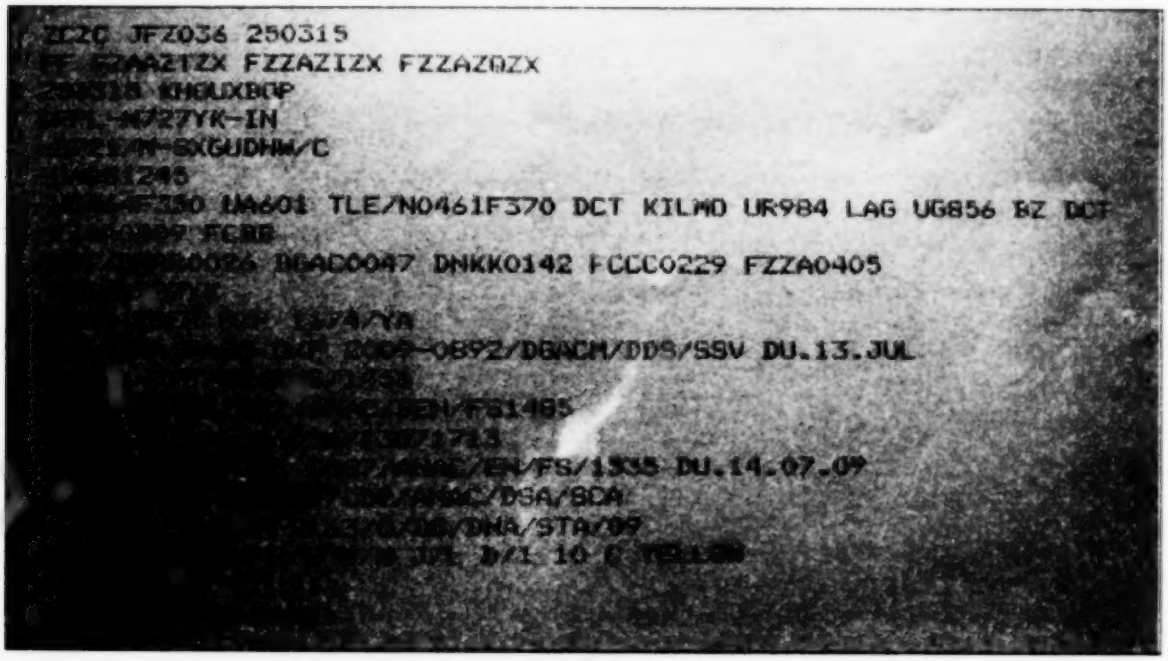
Manifest showing Santana vehicles imported into the Democratic Republic of the Congo by Demimpex Afrique



DEMIMPEX-VRIJ RUE ARTHUR MAES 100 1130 BRUXELLES BELGIUM DEMIMPEX AFRIQUE TAX +1 44 39 46 12 52 43 AVENUE TOMBALBAYE COMMUNE DE LA GOMBE KINSHASA REPUBLIQUE DEMOCRATIQUE DU CONGO FAX NO +1 253 600 2725 SAME AS CONSIGNEE	ZE0656	DENS OCEAN SHIPPING & LOGISTICS BVBA	4 VOITURES NEUVES 1 SANTANA PS10 - CH NO 101543 1 SANTANA PS10 - CH NO 100145 1 SANTANA PS10 - CH NO 102559 1 SANTANA PS10 - CH NO 102938 DECL CONT ACC STANDARD POUR DTO FREIGHT PREPAID CH 102559 STOWED IN CONTAINER CMDU 2500215 CH 102938 STOWED IN CONTAINER CMDU 256000 CH 100145 STOWED IN CONTAINER CMDU 2546506 CH [illegible] STOWED IN CONTAINER CMDU [illegible]

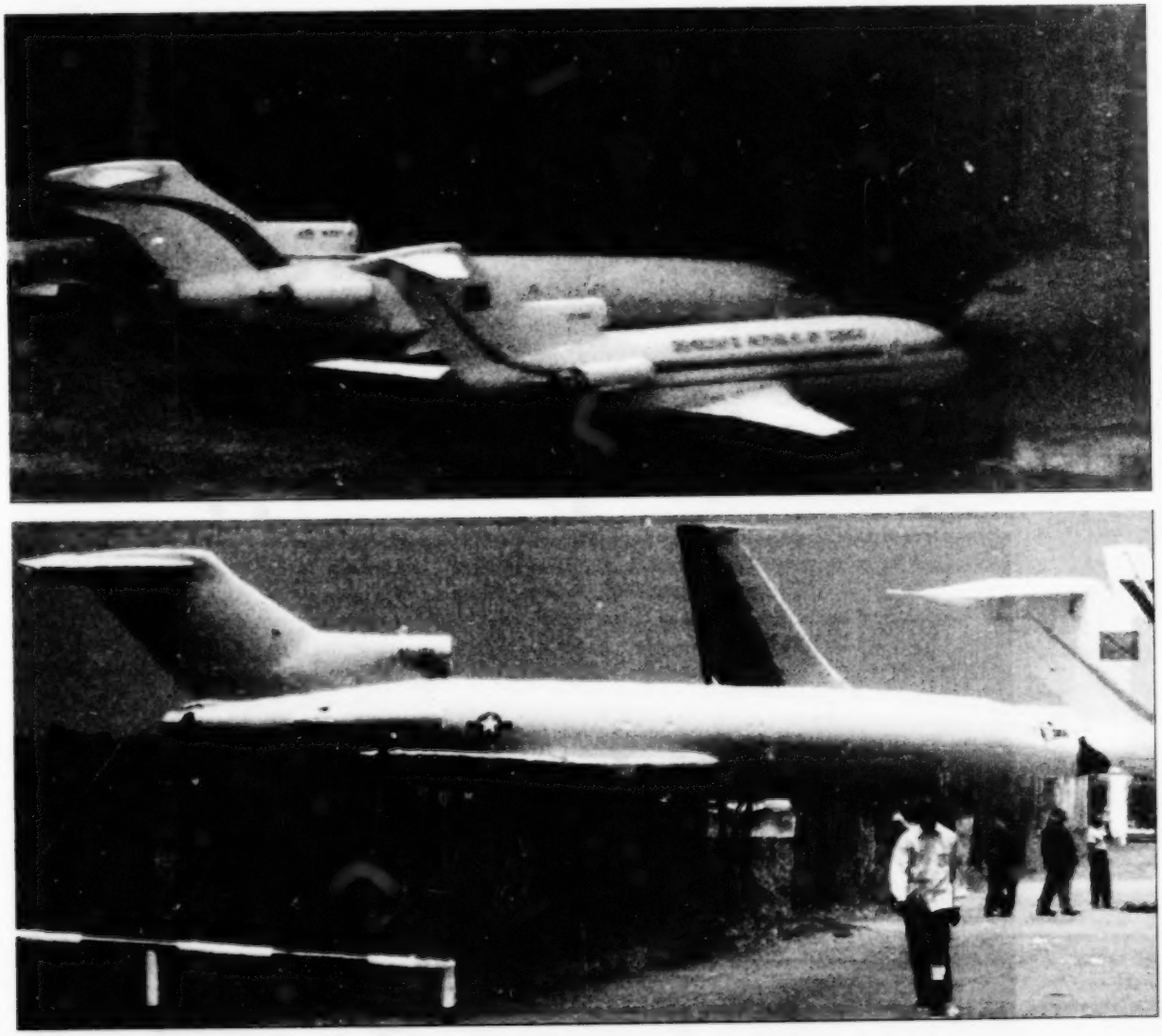
Annex 114

Flight plan for the aircraft registered N727YK from Bamako to Kinshasa
25 July 2009



Annex 115

B727 aircraft formerly registered as N-727YK. The top photograph was taken on 3 August 2009 at the military hangar, Ndjili Airport, Kinshasa, with a United States registration number painted on fuselage. The bottom photograph was taken on 20 October 2009 at the military hangar, Ndjili Airport, Kinshasa, with Congolese Air Force colours and registration number.

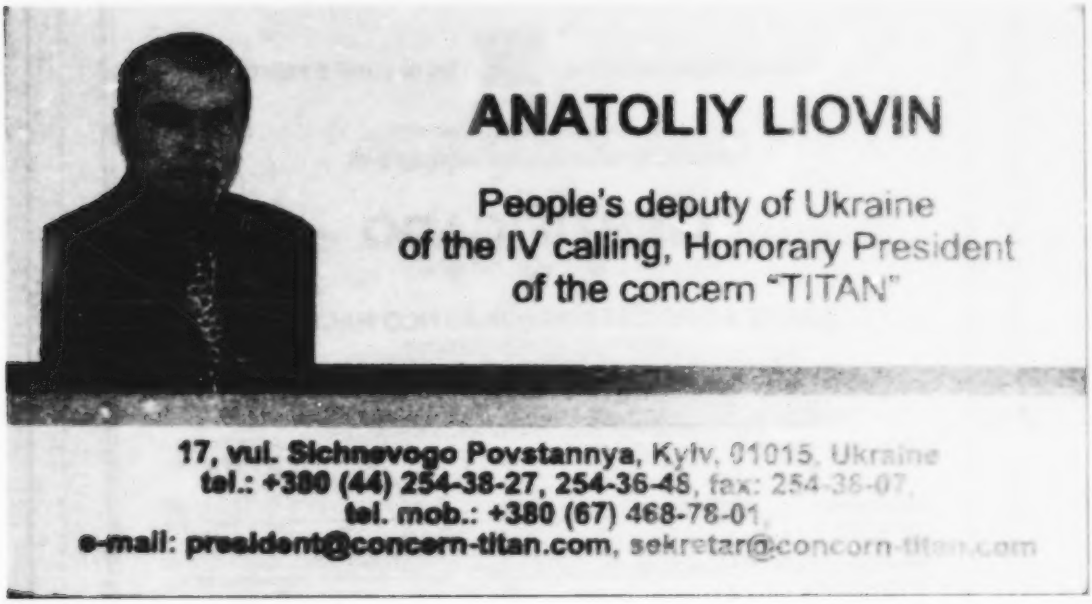


Annex 116

FARDC AN-12s in operation: 9T-TCI (top photograph) offloading military cargo at Goma Airport, April 2009; and 9T-TCH (bottom photograph) loading troops for Dungu, October 2009

Annex 117

Anatoliy Liovin's business card and his signature on behalf of Styron Trading



ANATOLIY LIOVIN

People's deputy of Ukraine
of the IV calling, Honorary President
of the concern "TITAN"

17, vul. Sichnevogo Povstannya, Kyiv, 01015, Ukraine
tel.: +380 (44) 254-38-27, 254-36-48, fax: 254-38-07,
tel. mob.: +380 (67) 468-78-01,
e-mail: president@concern-titan.com, sekretar@concern-titan.com

Director of Styron Trading Incorporation

Lovin Anatoliy.

Annex 118

Certificates of deregistration for aircraft registered S9-GAW, S9-PSK and S9-PSM

REPÚBLICA DEMOCRÁTICA DE S. TOMÉ E PRÍNCIPE

INSTITUTO NACIONAL DE AVIAÇÃO CIVIL

CERTIFICADO

de

ABATE AO REGISTO AERONÁUTICO NACIONAL

CERTIFICATE OF DE-REGISTRATION

Nº. 12ABAT09

PELO PRESENTE DOCUMENTO CERTIFICA-SE QUE
THIS IS TO CERTIFY THAT

A AERONAVE: ANTONOV
THE AIRCRAFT

TIPO DE AERONAVE: AN-12BK
AIRCRAFT TYPE

NUMERO DE SERIE: 5343103
SERIAL NUMBER

EX-MARCAS DE NACIONALIDADE E MATRICULA: S9 - GAW
FORMER NATIONALITY AND REGISTRATION MARK

PROPRIEDADE DE: STYRON TRADING INCORPORATION
OWNED BY

REGISTADA EM: S. TOMÉ, aos 04 de JULHO de 2008.
REGISTERED ON

FOI REMOVIDA DO REGISTO AERONAUTICO DE SÃO TOMÉ E PRINCIPE.
HAS BEEN REMOVED FROM THE SÃO TOMÉ AND PRINCIPE AIRCRAFT REGISTER

ESTAS MARCAS DE NACIONALIDADE E MATRICULA FORAM CANCELADAS.
THE NATIONALITY AND REGISTRATION MARKS HAVE BEEN CANCELLED

Emitido em S. Tomé aos 03 de JULHO de 2009.
Issued in S. Tome on the

O Presidente,
The President

REPÚBLICA DEMOCRÁTICA DE S. TOMÉ E PRÍNCIPE

INSTITUTO NACIONAL DE AVIAÇÃO CIVIL

CERTIFICADO

de

ABATE AO REGISTO AERONÁUTICO NACIONAL

CERTIFICATE OF DE-REGISTRATION

Nº. 11ABAT09

PELO PRESENTE DOCUMENTO CERTIFICA-SE QUE:
THIS IS TO CERTIFY THAT

A AERONAVE: ANTONOV
THE AIRCRAFT

TIPO DE AERONAVE: AN-12
AIRCRAFT TYPE

NUMERO DE SÉRIE: 8345607
SERIAL NUMBER

EX-MARCAS DE NACIONALIDADE E MATRICULA: S9 – PSK
FORMER NATIONALITY AND REGISTRATION MARK

PROPRIEDADE DE: STYRON TRADING INCORPORATION
OWNED BY

REGISTADA EM: S. TOMÉ aos 18 de ABRIL de 2008.
REGISTERED ON

FOI REMOVIDA DO REGISTO AERONAUTICO DE SÃO TOME E PRÍNCIPE.
HAS BEEN REMOVED FROM THE SÃO TOMÉ AND PRÍNCIPE AIRCRAFT REGISTER

ESTAS MARCAS DE NACIONALIDADE E MATRICULA FORAM CANCELADAS.
THE NATIONALITY AND REGISTRATION MARKS HAVE BEEN CANCELLED

Emitido em S. Tomé aos 03 de JULHO de 2009.
Issued in S. Tome on the

O Presidente,
The President

REPÚBLICA DEMOCRÁTICA DE S. TOMÉ E PRÍNCIPE

INSTITUTO NACIONAL DE AVIAÇÃO CIVIL

CERTIFICADO

de

ABATE AO REGISTO AERONÁUTICO NACIONAL

CERTIFICATE OF DE-REGISTRATION

Nº. 10ABAT09

PELO PRESENTE DOCUMENTO CERTIFICA-SE QUE:
THIS IS TO CERTIFY THAT:

A AERONAVE : ANTONOV
THE AIRCRAFT:

TIPO DE AERONAVE: AN-12BP
AIRCRAFT TYPE:

NÚMERO DE SÉRIE: 5343006
SERIAL NUMBER:

EX-MARCAS DE NACIONALIDADE E MATRÍCULA: S9 – PSM
FORMER NATIONALITY AND REGISTRATION MARK:

PROPRIEDADE DE: STYRON TRADING INCORPORATION
OWNED BY:

REGISTADA EM: S. TOMÉ, aos 14 de JUNHO de 2007.
REGISTERED ON:

FOI REMOVIDA DO REGISTO AERONÁUTICO DE SÃO TOMÉ E PRÍNCIPE.
HAS BEEN REMOVED FROM THE SÃO TOMÉ AND PRINCIPE AIRCRAFT REGISTER

ESTAS MARCAS DE NACIONALIDADE E MATRÍCULA FORAM CANCELADAS.
THE NATIONALITY AND REGISTRATION MARKS HAVE BEEN CANCELLED.

Emitido em S. Tomé aos 03 de JULHO de 2009.
Issued in S. Tome on the

O Presidente,
The President,

Annex 119

Letter to the Group of Experts from the Antonov Design Bureau stating that operation of S9-GAW, S9-PSM and S9-PSK aircraft is unsafe and impermissible without mandated servicing by specialists of Antonov Aeronautical Scientific/Technical Complex

002082 ☆ 15

ANTONOV

AERONAUTICAL SCIENTIFIC/
TECHNICAL COMPLEX

1 Tupolev str., Kyiv, 03062 Ukraine
Fax: 38 (044) 490-81-44
Tel.: 38 (044) 454-31-49 directory inquiries
E-mail: info@antonov.com

№ 6/464

Answer to № _____ of _____

With reference to your letter dated 25.09.2009 pertaining to An-12 airplanes operated in the Democratic Republic of Congo, please be informed as follows:

1. According to the ANTONOV ASTC Decision dated 03.02.2005, the following service lives and time limits were established for the An-12 aircraft, registration mark RA-11768 (serial No. 5343103): a declared service time of 40 years 6 months (until 30.11.2005) within the declared service life of 18000 flying hours, 7700 flights, and time between overhauls was extended up to 7 years 10 months within the life between overhauls of 6000 flying hours, 2000 flights. As we were informed, the aircraft was owned by SKY WIND, Baku, Azerbaijan. The declared service time of the above aircraft expired on 30.11.2005.

2. According to the ANTONOV ASTC Decision dated 02-03.06.2004, the following service lives and time limits were established for the An-12 aircraft, registration mark 4K-AZ32 (serial No. 5343006): a declared service time of 40 years 2 months (until 30.06.2005) within the declared service life of 12000 flying hours, 7000 flights, and time between overhauls was extended up to 17 years 4 months within the life between overhauls of 3000 flying hours, 2000 flights. As we were informed, the aircraft was owned by EAST/WEST BAKU LIMITED, Baku, Azerbaijan. The declared service time of the above aircraft expired on 29.06.2005.

3. According to the ANTONOV ASTC Decision dated 30.06-04.07.2005, the following service lives and time limits were established for the An-12 aircraft, registration mark 4K-AZ36 (serial No. 8345807): a declared service life of 13500 flying hours within 7000 flights, a declared service time of 38 years (until 31.07.2006), and life between overhauls was extended up to 5250 flying hours, 3000 flights, time between overhauls was extended up to 20 years 4 months (until 20.07.2006). As we were informed, the aircraft was owned by SKY WIND, Baku, Azerbaijan. The time between overhauls of the above aircraft expired on 20.07.2006.

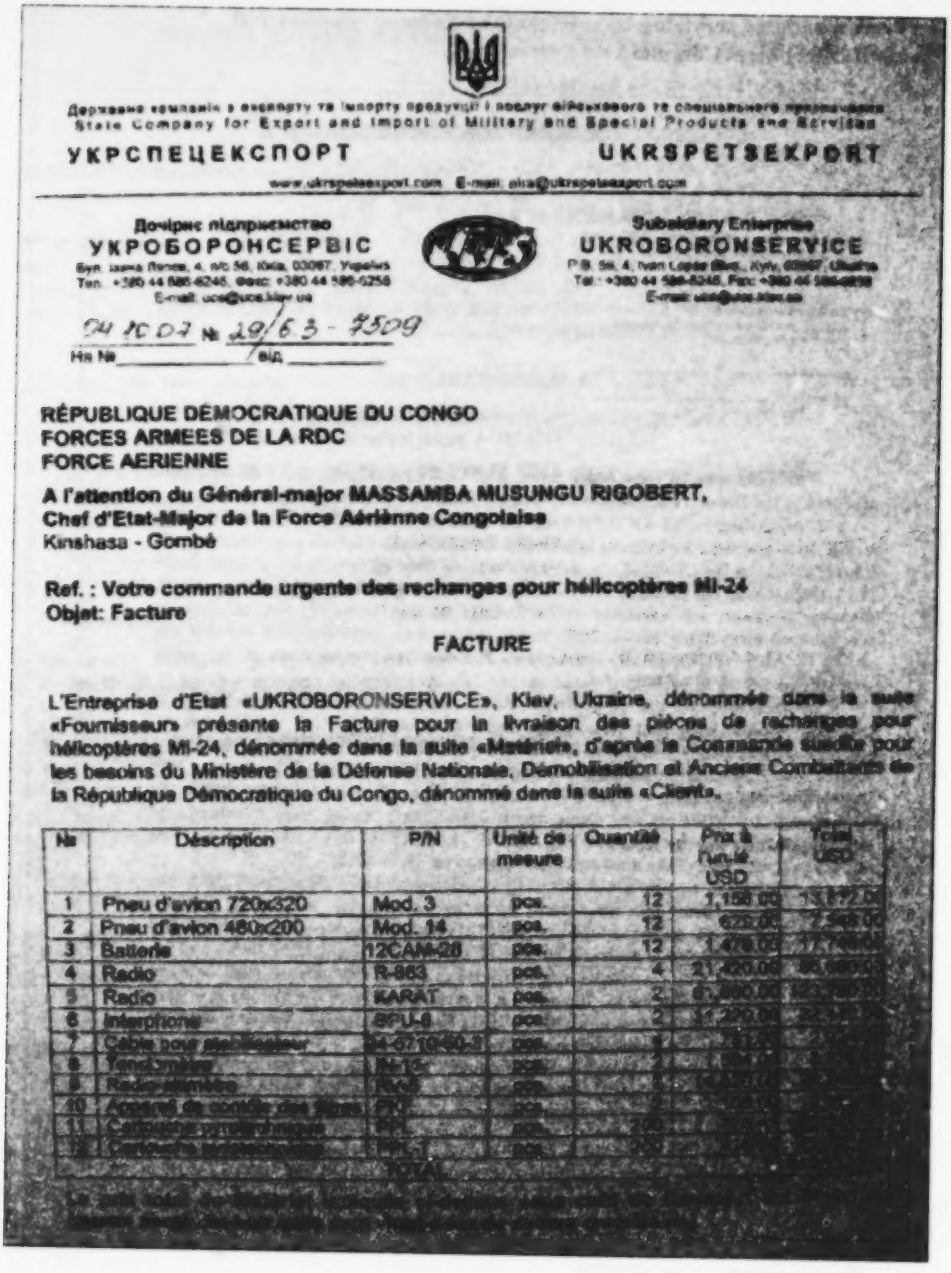
Operation of all the above-mentioned aircraft without the activities on extension of their service lives and time limits carried out by specialists of ANTONOV ASTC (the aircraft Design Authority) in accordance with the special *Program*... is unsafe and impermissible.

Yours sincerely and best wishes,

A.Y. KLIMOV
DEPUTY GENERAL DESIGNER

Annex 120

Letters related to the sale of Mi-24 helicopters and associated spare parts



Державна компанія з експорту та імпорту продукції і послуг військового та спеціального призначення
State Company for Export and Import of Military and Special Products and Services

УКРСПЕЦЕКСПОРТ UKRSPETSEXPORT

www.ukrspetsexport.com E-mail: office@ukrspetsexport.com

Дочірнє підприємство
УКРОБОРОНСЕРВІС
Вул. Івана Лепсе, 4, п/с 56, Київ, 03067, Україна
Тел.: +380 44 586-6245, Факс: +380 44 586-6258
E-mail: ucs@ucs.kiev.ua

Subsidiary Enterprise
UKROBORONSERVICE
P.B. 56, 4, Ivan Lepse Blvd., Kyiv, 03067, Ukraine
Tel.: +380 44 586-6245, Fax: +380 44 586-6258
E-mail: ucs@ucs.kiev.ua

24.10.07 № 29/63-7509
На № від

RÉPUBLIQUE DÉMOCRATIQUE DU CONGO
FORCES ARMEES DE LA RDC
FORCE AERIENNE

A l'attention du Général-major MASSAMBA MUSUNGU RIGOBERT,
Chef d'Etat-Major de la Force Aérienne Congolaise
Kinshasa - Gombé

Ref. : Votre commande urgente des rechanges pour hélicoptères Mi-24
Objet: Facture

FACTURE

L'Entreprise d'Etat «UKROBORONSERVICE», Kiev, Ukraine, dénommée dans la suite «Fournisseur» présente la Facture pour la livraison des pièces de rechanges pour hélicoptères Mi-24, dénommée dans la suite «Matériel», d'après la Commande établie pour les besoins du Ministère de la Défense Nationale, Démobilisation et Anciens Combattants de la République Démocratique du Congo, dénommé dans la suite «Client».

№	Description	P/N	Unité de mesure	Quantité	Prix à l'un-té USD	Total USD
1	Pneu d'avion 720x320	Mod. 3	pcs.	12	1,156.00	13,872.00
2	Pneu d'avion 480x200	Mod. 14	pcs.	12	625.00	7,500.00
3	Batterie	12CAM-28	pcs.	12	1,478.00	17,736.00
4	Radio	R-863	pcs.	4	21,420.00	85,680.00
5	Radio	KARAT	pcs.	2	61,890.00	123,780.00
6	Interphone	SPU-8	pcs.	2	11,220.00	22,440.00
7	Câble pour stabilisateur	24-6210-60-3	pcs.	1	78.00	78.00
8	Transformateur	RU-19	pcs.	2	1,200.00	2,400.00
9	Redresseur-onduleur	PO-9	pcs.	2	1,200.00	2,400.00
10	Appareil de contrôle des filtres	ZP	pcs.	1	1,200.00	1,200.00
11	Capteur [illegible]	[illegible]	pcs.	1	[illegible]	[illegible]
12	Capteur [illegible]	[illegible]	pcs.	1	[illegible]	[illegible]
			TOTAL			[illegible]

Le poids total du **Matériel à livrer est** 1,5 tons.

Le volume total du **Matéril à livrer est** 5 m^3.

2. CONDITIONS DE LA LIVRAISON

1. Les conditions de la livraison: FCA – aéroport de l'Ukraine, en fonction de «INCOTERMS-2000».
2. Les articles seront livrés par un seul lot.
3. Délai de livraison – 2 mois à partir de la date d'obtention de la Licence d'exportation delivrée par le Service National du Control d'Exportation de l'Ukraine, la signature d'un Accord Supplémentaire au Contrat No. 29/UKROBORON/2004/55 du 16.01.2004 et l'entrée du payement d'un montant de 100% du prix total du Matériel indiqué dans cette Facture en compte de l'EE «UKROBORONSERVICE».

Les coordonnées bancaires (№ compte et autres information pratiques pour un versement):

Fournisseur: **State Company UKROBORONSERVICE**
P.B.56, 4, Ivan Lepse Blvd., Kyiv, 03067, Ukraine

Banque du Fournisseur: **THE STATE EXPORT-IMPORT BANK OF UKRAINE**
127, Gorky Street, Kyiv, 03150, Ukraine
Account: 2600401284630
Swift: EXBSUAUX
Cor. acc.: 36083522
Citibank, N.A., New York, USA
Swift: CITI US 33

Nous vous demandons de bien vouloir nous faire savoir votre décision concernant les conditions de la livraison et fixer la société responsable pour le transport du Matériels ci-dessus mentionnés.

Veuillez agréer, Monsieur, l'expression de ma considération distinguée.

A. SHARAPOV
Directeur
EE "UKROBORONSERVICE"

Annex 121

FARDC Mi-24 technician and crew. These photographs were taken at Goma Airport on 13 April 2009

Annex 122

A list of Rwandan mining and minerals trading companies

COMPTOIRS NAMES	COMPTOIRS ADRESSES
Africa Primary Tungsten SARL(APT)	Comptoir
COPIMAR	Comptoir + mine
Eurotrade International	mine
ETS Munsad	Comptoir
Metal Processing Association (MPA)	Comptoir + mine
Metrade Overseas	Comptoir
NPD Rwanda Ltd	mine + comptoir
Phoenix Metal SARL	Comptoir
Global Mining and Processing(GMP)	comptoir
Rwanda Rudnik	Comptoir
Rutinda Valence	Comptoir
PYRAMIDE	mine + comptoir
RAP	Comptoir
ROKA	mine also in process of setting up a comptoir
ETS ZITONI Innocent	Comptoir
ETS GAMA	house of purchase
ETS ETSI	house of purchase
ETS MULINDWA	house of purchase
General Mining Company(GMC)	mine
ROGI Mining	mine
Trading Services Logistics	mine
Wolfram Mining and Processing	mine + comptoir

Annex 123

ITRI Tin Supply Chain Initiative, Summary, October 2009

BACKGROUND: ITRI is the only organisation representing the tin production and use industries and operates on a global basis. We have been considering actions to work towards formalisation, improvements and possible certification of the artisanal mine sector since 2005, with all activity focused on cassiterite in the DRC since 2008. The iTSCi proposals, widely circulated in June 2009, have been developed by the ITRI working group on the DRC; Malaysia Smelting Corporation and Thaisarco (AMC), together with guest company Traxys. The initiative has been proposed by industry as a phased and constructive approach towards improved due diligence, governance and traceability.

The iTSCi scheme will ensure traceability so that production areas can be identified and controlled, but, it does not include any means to determine which mineral production areas or trading routes are under the influence of rebel groups or considered to be unacceptable sources for any other reason. ITRI has requested guidance from the international community on sourcing since purchasing decisions will have significant socio-economic and security related consequences.

PHASE 1: This stage of the project has been implemented from 1st July 2009 by MSC and Thaisarco with respect to their immediate suppliers. It applies a requirement for a harmonised set of written documentation to be provided with each shipment of cassiterite originating in the DRC, whether exported directly or re-processed in neighbouring countries. Compliance with the defined Phase 1 procedures will be assessed during normal end of year independent auditing at the smelter companies and reports on compliance will be provided to ITRI.

A number of official documents are required for every shipment, the Declaration de Sortie Definitive or Certificat de Circulation des Marchandises (EUR 1) depending on province, plus the Certificate of Origin and the Fiata/Ocean Bill of Lading, while at least seven further official documents are expected to either be provided or retained by the comptoir for possible inspection. In addition, every shipment must be accompanied by an iTSCi comptoir certificate recording a written declaration of material characteristics, origin of material, supply route, supplier and buyer.

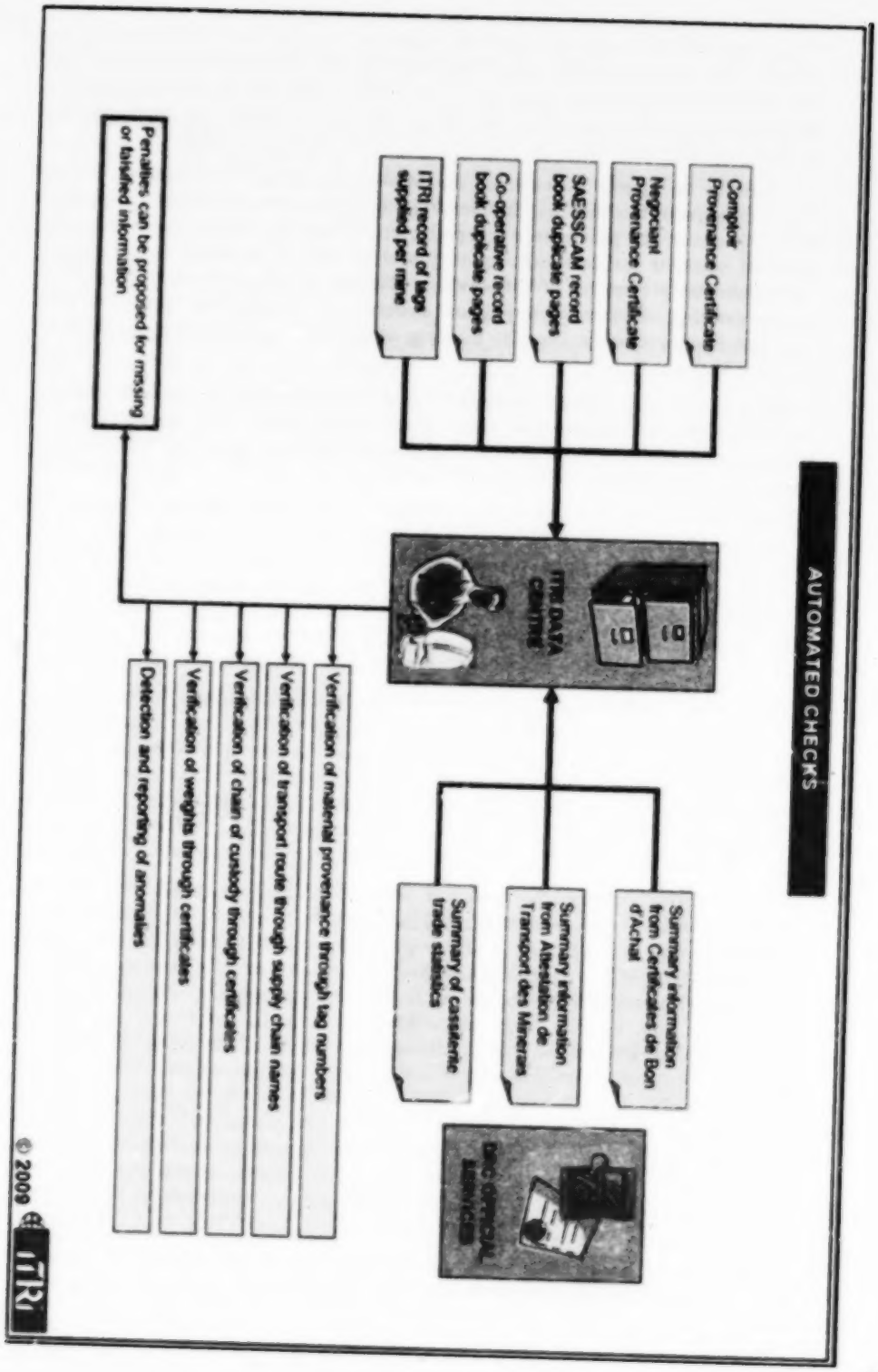
PHASE 2: This stage aims to establish a system of traceability from mine to comptoir through a system of unique numbering associated with specific mine sites. Such reference numbers are to be consolidated at each trading step as material passes up the supply chain in the manner outlined in diagram 1 which also illustrates the suggested practical means of immediate reference number transfer as material is traded, by bag tags, stickers or certificates. This diagram also shows the documentation that will be separately generated at each point of the supply chain for later collation, comparison and assessment. The potential cross checks for audit and control purposes are shown to the right side of diagram 1, with iTSCi and DRC official services data inputs (for example from the attestations de transport) and examples of verification summarised in diagram 2. Key checks can be automated by the use of appropriate software at the data centre. In addition, local NGO's or other independent parties can be used to assist in oversight of the system in a role of mine observers.

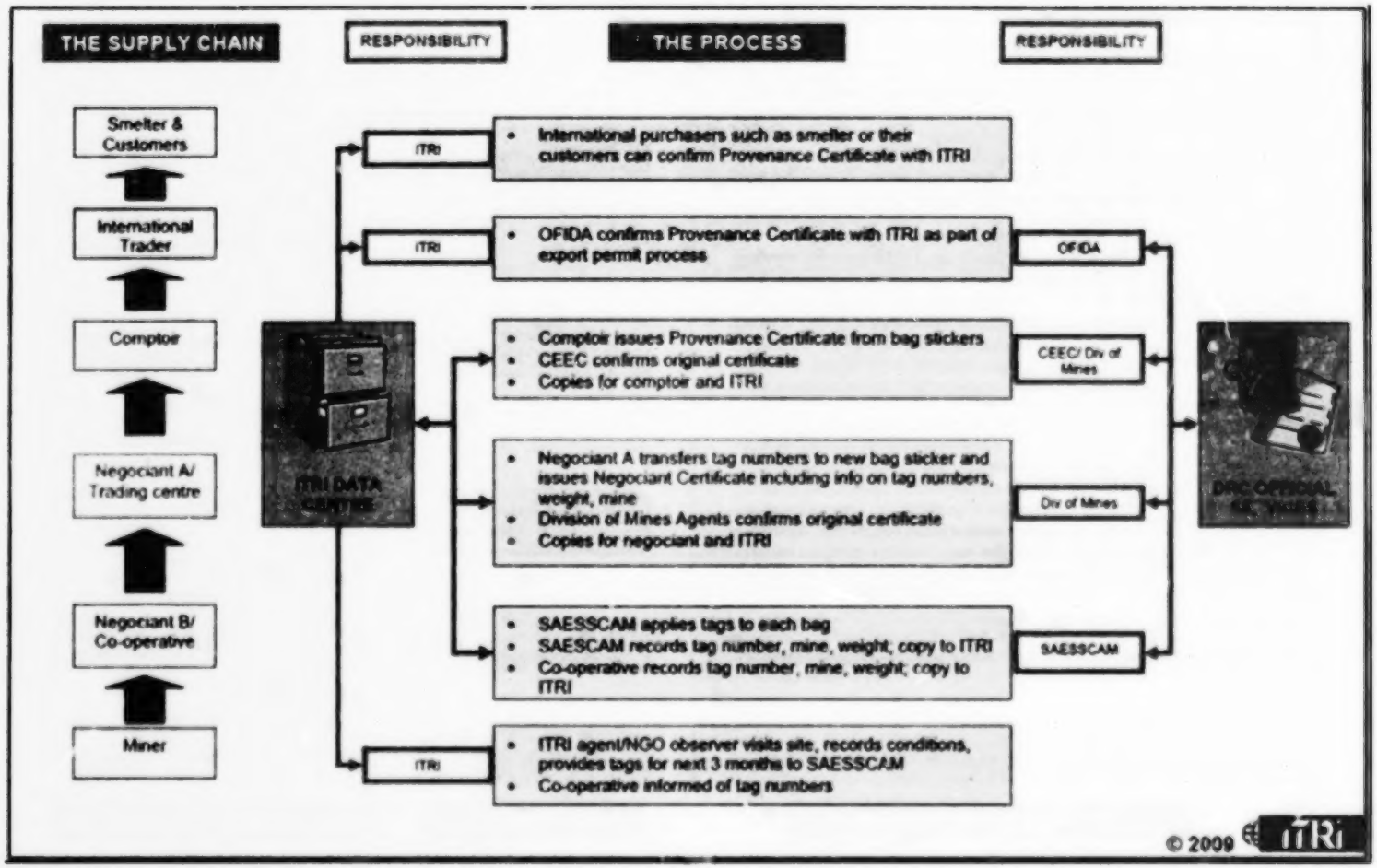
Diagram 3 outlines the overall process and the organisations expected to be responsible for data collection at each stage. Exact responsibilities will be

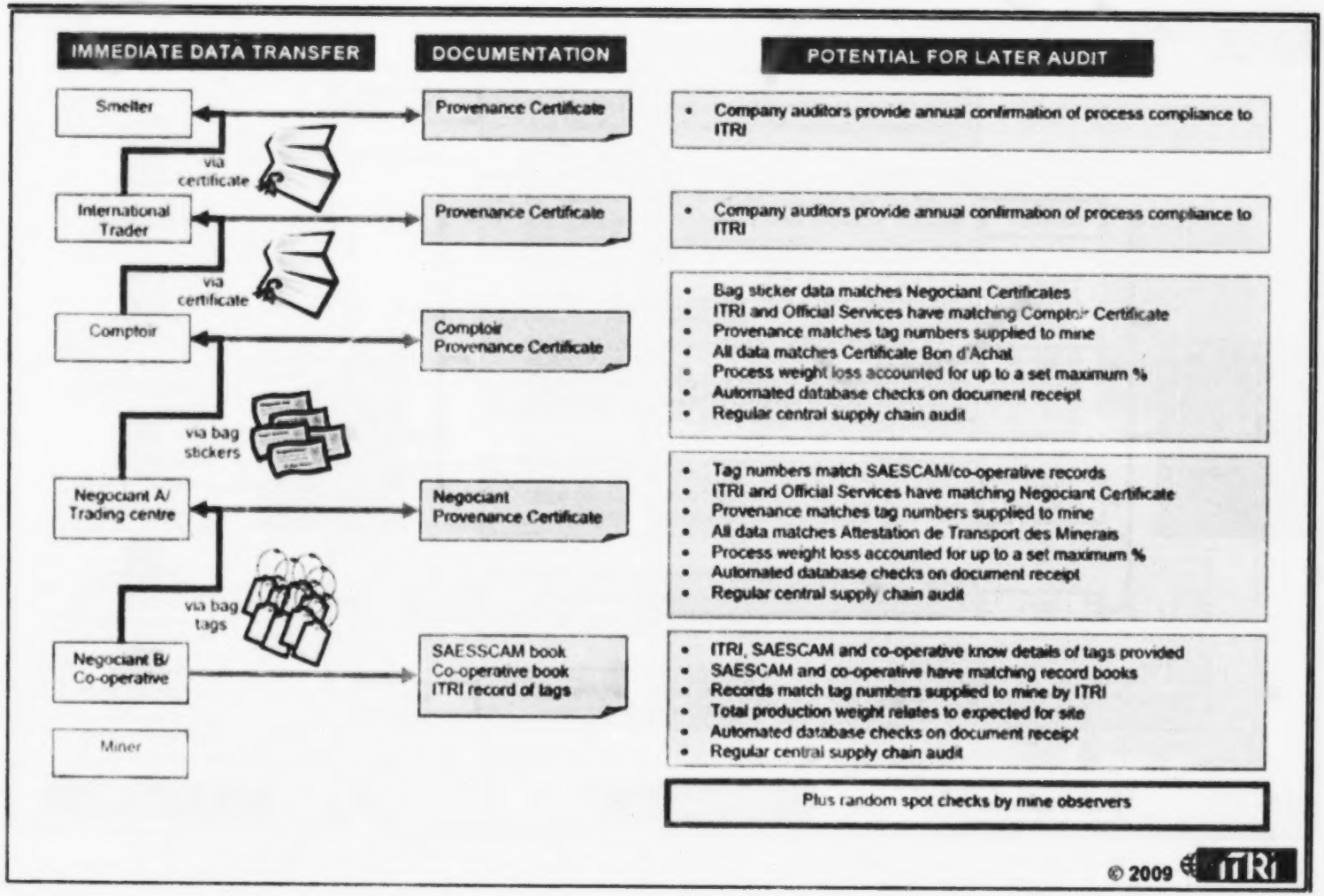
confirmed during further discussions with the Government. An appropriate number of bag tags will be issued to 'approved' mines at 3 month intervals depending on expected site production and typical bag weights. Material without a suitable tag should not be purchased by negociants or comptoirs and various penalties may be applied for issues identified via cross checks. The system can also be independently audited at regular intervals.

The 'centres de negoce' scheme of the Ministry of Mines will assist with the implementation of this initiative by removing the need for the negociant B step and providing secure and presumably acceptable production and trading areas. The two locations selected for cassiterite trading centres will be included in the initial implementation project for iTSCi which is planned for late 2009/early 2010. The scheme can then be extended throughout eastern DRC during 2010. Timing of this extension is dependent on capacity building of the DRC services involved such as SAESCAM.

PHASE 3: To allow further understanding and improvement of mine conditions once the location of production areas is established and controlled by Phase 2 traceability. Timing is dependent on successful implementation of the previous phase.


AUTOMATED CHECKS
Comptoir Provenance Certificate
Negociant Provenance Certificate
SAESSCAM record book duplicate pages
Co-operative record book duplicate pages
ITRI record of tags supplied per mine
ITRI DATA CENTRE
Summary information from Certificates de Bon d'Achat
Summary information from Attestation de Transport des Minerais
Summary of cassiterite trade statistics
DRC OFFICIAL SERVICES
Verification of material provenance through tag numbers
Verification of transport route through supply chain names
Verification of chain of custody through certificates
Verification of weights through certificates
Detection and reporting of anomalies
Penalties can be proposed for missing or falsified information
© 2009 ITRI


THE SUPPLY CHAIN
RESPONSIBILITY
THE PROCESS
RESPONSIBILITY
Smelter & Customers
International Trader
Comptoir
Negociant A/ Trading centre
Negociant B/ Co-operative
Miner
ITRI DATA CENTRE
ITRI
• International purchasers such as smelter or their customers can confirm Provenance Certificate with ITRI
ITRI
• OFIDA confirms Provenance Certificate with ITRI as part of export permit process
OFIDA
• Comptoir issues Provenance Certificate from bag stickers
• CEEC confirms original certificate
• Copies for comptoir and ITRI
CEEC/ Div of Mines
• Negociant A transfers tag numbers to new bag sticker and issues Negociant Certificate including info on tag numbers, weight, mine
• Division of Mines Agents confirms original certificate
• Copies for negociant and ITRI
Div of Mines
• SAESSCAM applies tags to each bag
• SAESCAM records tag number, mine, weight, copy to ITRI
• Co-operative records tag number, mine, weight, copy to ITRI
SAESSCAM
ITRI
• ITRI agent/NGO observer visits site, records conditions, provides tags for next 3 months to SAESSCAM
• Co-operative informed of tag numbers
© 2009 ITRI


IMMEDIATE DATA TRANSFER
DOCUMENTATION
POTENTIAL FOR LATER AUDIT
Smelter
Provenance Certificate
• Company auditors provide annual confirmation of process compliance to ITRI
via certificate
International Trader
Provenance Certificate
• Company auditors provide annual confirmation of process compliance to ITRI
via certificate
Comptoir
Comptoir Provenance Certificate
• Bag sticker data matches Negociant Certificates
• ITRI and Official Services have matching Comptoir Certificate
• Provenance matches tag numbers supplied to mine
• All data matches Certificate Bon d'Achat
• Process weight loss accounted for up to a set maximum %
• Automated database checks on document receipt
• Regular central supply chain audit
via bag stickers
Negociant A/ Trading centre
Negociant Provenance Certificate
• Tag numbers match SAESCAM/co-operative records
• ITRI and Official Services have matching Negociant Certificate
• Provenance matches tag numbers supplied to mine
• All data matches Attestation de Transport des Minerais
• Process weight loss accounted for up to a set maximum %
• Automated database checks on document receipt
• Regular central supply chain audit
via bag tags
Negociant B/ Co-operative
SAESSCAM book
Co-operative book
ITRI record of tags
• ITRI, SAESCAM and co-operative know details of tags provided
• SAESCAM and co-operative have matching record books
• Records match tag numbers supplied to mine by ITRI
• Total production weight relates to expected for site
• Automated database checks on document receipt
• Regular central supply chain audit
Miner
Plus random spot checks by mine observers
© 2009 ITRI

Annex 124

FARDC Commanders, including those currently deployed in operation Kimia II. The list, which is not exhaustive, is based on information that has been either directly verified by the Group of Experts in the course of the current and past mandates or reflects credible reports of abuses received by the Group.

Commander	Last known position	Violations
General Bosco Ntaganda	Deputy Operational Commander Kimia II	War crimes and crimes against humanity while serving as Chief of Staff of Union des patriotes congolais in Ituri. Direct and command responsibility for the massacre at Kiwanja as CNDP Chief of Staff (November 2008). Individual and command responsibility for child recruitment and for maintaining children within troops under his command.
Colonel Sultani Makenga	Deputy Commander Kimia II, South Kivu Bukavu	Massacre of Buramba (March 2007) by the Mixed Bravo Brigade under his command. Command responsibility for mass execution of prisoners in Mixed Bravo Brigade positions in Rubare, Katwiguru and Kiseguru (several incidents from February to August 2007). Reportedly involved in massacres in Pinga and Lukweti in 2003 and 2004 when serving as Armée nationale congolaise (ANC)/RCD-Goma Battalion Commander. Command responsibility for child recruitment and for maintaining children among the troops under his command (2007-2009).
Colonel Bernard Byamungu	Commander, Zone 4 Baraka, South Kivu	Massacre at Kisangani (2002) when serving as ANC/RCD-Goma officer. Directly involved in the massacres in Kindu (September 2002) when serving as ANC/RCD-Goma officer. Command responsibility for the massacre at Shalio (2009). A battalion of the 25th Brigade under his command was involved in the massacre of Shalio.

Colonel Baudouin Ngaruye	Commander, Sector 2 Kalehe, South Kivu	Command responsibility for the massacre at Shalio (2009). Command responsibility for child recruitment and for maintaining children among troops under his command (2006-2009).
Colonel Samy Matumo	Awaiting deployment	Direct and command responsibility for child recruitment and maintaining children within the ranks of the 85th Brigade under his command. Forced labour, including in connection with illegal exploitation of natural resources at Bisiye mine.
Colonel Eric Ruhorimbere	Deputy Commander, Zone 1, North Kivu	Direct and command responsibility for child recruitment and for maintaining children within troops under his command (2009).
Colonel Gwigwi Busogi	Commander, Sector 24 Hombo, South Kivu	Direct and command responsibility for child recruitment and for maintaining children within troops under his command. Previously taken into custody for forced labour and inhuman treatment leading to death. Subsequently, he was provisionally released and not suspended from the Kimia II command.
Colonel Kabundi Innocent	Commander, Sector 22 Walungu, South Kivu	Direct and command responsibility for child recruitment and for maintaining children among troops under his command (2008 and 2009). Abductions of children in FARDC operational zone under his command (2009).
Colonel Mosala Jean Claude	Reportedly in Kinshasa under house arrest	Individually responsible for sexual violence (2005).
Lieutenant Colonel Jean-Pierre Biyoyo	Commander, Sector 4 Burale, South Kivu	Direct and command responsibility for child recruitment and for maintaining children among troops under his command (convicted in March 2006, escaped prison in June 2006).

Lieutenant Colonel Innocent Zimurinda	Commander, Sector 23 Minova, South Kivu	Mass execution of prisoners in Mixed Bravo Brigade positions in Rubare, Katwiguru and Kiseguru (several incidents from February to August 2007). Massacre at Kiwanja (November 2008) by CNDP troops under his command. Direct participation and execution of the massacre at Shalio (April 2009). Direct and command responsibility for child recruitment and for maintaining children among troops under his command (2009). Arbitrary arrests (2009). Forced labour (2009).
Lieutenant Colonel Mahindule Wabo	Battalion Commander Ntoto, Walikale	Direct and command responsibility for the massacre at Kalonge (January 2008). Several cases of sexual violence committed by elements in his battalion under his command, as well as multiple reports of pillaging of civilian homes between July and September 2009 in Ntoto and nearby localities.
Lieutenant Colonel Mboneza Yusufu	Commander, 1st Brigade Walikale	Mass execution of prisoners in Mixed Bravo Brigade positions in Rubare, Katwiguru and Kiseguru (several incidents from February to August 2007).
Lieutenant Colonel Saddam Hitimana	n/a	Direct and command responsibility for child recruitment and for maintaining children among troops under his command (2004-2009).
Lieutenant Colonel Heshima Rugo	Brigade Commander, Mwenga territory, South Kivu	Direct and command responsibility for child recruitment and for maintaining children among troops under his command (2008-2009).
Lieutenant Colonel Claude Mucho	Sector 5, Shabunda, South Kivu	Direct and command responsibility for child recruitment and for maintaining children among troops under his command (2003-2009).

Colonel Salumu Mulenda	Commander of 33rd Brigade in Tshivanga, South Kivu	Participation in Mongwalu massacre (November 2002) as Union des patriotes congolais (UPC) officer. Commanded (with Bosco Ntaganda) UPC operation "Chikana Hamukono" in Lipri/Bambu area (350 civilian victims). When serving with Forces armées du peuple congolais: Illegal detention/kidnapping of 26 civilians from Angaku. Four died as a consequence of torture and two others disappeared.
Colonel Innocent Kayina or Kahina, aka "India Queen"	n/a	Was on pretrial detention in Kinshasa since June 2006 on charges of "crimes against humanity" in Ituri. Was released on bail in February 2009 to be deployed in Kimia II operations.
Colonel Philemon Yav	Commander, Zone 1 North Kivu	Direct and command responsibility for child recruitment and for maintaining children among troops under his command (2008).
Lieutenant Colonel Ndayambaje Kipanga	Arrested	Arrested for rape in Rutshuru in May 2009.
Major Pichen Lungu	n/a	Major Lungu's human rights record, which includes cases of rape, has already been brought to the attention of the Democratic Republic of the Congo military and justice authorities on several occasions in 2007, 2008 and 2009.

Annex 125

Letter dated 20 November 2009 from the Permanent Representative of Burundi to the United Nations addressed to the Group of Experts

REPUBLIQUE DU BURUNDI

MINISTERE DES RELATIONS EXTERIEURES
ET DE LA COOPERATION INTERNATIONALE

Bujumbura, le 20/11/2009

NOTE REPLIQUE AU RAPPORT DE NOVEMBRE 2009 SUR LA MISE EN OEUVRE DE LA RESOLUTION 1533 (2004) PAR LE BURUNDI

La collaboration avec le groupe d'Experts du Comité des sanctions créé en vertu de la résolution susmentionnée a commencé en 2007.

Dès le début le Gouvernement du Burundi a indiqué que le mode de collaboration avec le Groupe était difficile dans la mesure où l'équipe arrivait au Burundi pratiquement en même temps que la lettre annonçant la visite.

Arrivée sur place, l'équipe a toujours travaillé dans la précipitation pour repartir trois ou quatre jours après. Ces visites mal préparées ont engendré des préoccupations du côté des ministères sectoriels.

Au mois de mai 2009, un des experts, Monsieur Claudio GRAMIZZI s'est introduit à la Régie des Services Aéronautiques sans s'être annoncé au Ministère des Relations Extérieures et de la Coopération Internationale comme l'exige les usages et coutumes. En cherchant à comprendre cette attitude, le Gouvernement a découvert qu'une des personnes servant d'informateur sur les activités de Monsieur MUTOKA RUGANYIRA, cité dans le rapport, est un ancien propriétaire d'un comptoir d'or, de nationalité indienne ,actuellement converti dans l'importation du pétrole et assez connu des partenaires de la gouvernance économique au Burundi.

Non seulement c'est un concurrent potentiel pour que ces informations soient acceptées sans réserve mais il est aussi étonnant que depuis la connexion entre l'ancien propriétaire de comptoir d'or et l'équipe des experts, il n'y ait plus de reproches à l'autre société précédemment citée à côté de celle de Monsieur MUTOKA ; la société Ramel Trade Investment, tenue par un ressortissant indien établi au Burundi.

Par ailleurs, le Gouvernement a découvert que ces Experts n'ont jamais accepté de visiter les sites d'exploitation d'or burundais malgré l'insistance de Monsieur MUTOKA RUGANYIRA, ce qui aurait permis de mieux apprécier les capacités internes au Burundi de production de l'or.

De même, le Gouvernement du Burundi a transmis en novembre 2008, un rapport sur la production minière au Burundi dont l'or (lettre 204.02.18/926/RE/2008 adressée à Monsieur Dinesh MATHANI) mais cela n'apparaît dans aucun rapport.
Le fait que les partenaires de MUTOKA RUGANYIRA à Kampala, à Dubai et Anvers aient affirmé qu'ils effectuent des transactions avec lui ne signifie pas qu'il s'agit nécessairement d'un trafic illicite.

S'agissant des allégations relatives à l'implication éventuelle du Général Adolphe NSHIMIRIMANA et de son Chef de Cabinet, le Gouvernement s'étonne de constater que ces affirmations ressemblent étrangement à celles publiées le 13 septembre 2009 sur le site « BURUNDI News ». Or le gestionnaire de ce site, Monsieur Gratien RUKINDIKIZA est un parent d'un Président d'un parti politique d'opposition qui a eu souvent des démêlés avec le Service National de Renseignement.

Les services du Gouvernement ont remarqué que certains experts du Comité sur le R.D.C. ont contact avec les personnalités proches de ce parti politique. Quelle crédibilité peut-on accorder à des sources de ce genre ?

En ce qui concerne l'éventuelle importation d'armes en provenance de Malaisie pour la Police Burundaise, le Gouvernement du Burundi tient à rappeler qu'il est en train de transformer ce corps en une police opérationnelle de proximité avec la collaboration du BINUB, et des partenaires bilatéraux (les Pays Bas, la Belgique, la France, l'Allemagne et la Suisse). Un des résultats de cet exercice sera le remplacement des armes par les attributs d'un véritable agent de l'ordre public. Il est donc aberrant de penser que le Gouvernement du Burundi pourrait effectuer une dépense aussi lourde qu'inutile.

S'agissant des prétendus recrutements des rebelles FDLR à partir du BURUNDI et d'incidents causés par les FDLR sur le sol burundais, le Gouvernement informe le Comité des Sanctions que le Service National de Renseignement a toujours collaboré avec les autorités Rwandaises pour garantir la sécurité mutuelle.
L'illustration la plus récente est l'arrestation et la remise aux autorités Rwandaises en septembre 2009 du Lt Colonel noël HABIYAMBERE alias BANGAMBANZA Lambert, du Lt Colonel Thardisse NDITURENDE alias HODALI MULINDE Henri, de l'état-major des FDLR.

De façon plus générale, le Gouvernement rappelle qu'il est partenaire avec le RWANDA et la R.D.C, au système de sécurité commune aux frontières " Tripartite Plus" système qui inclut également l'Uganda, avec la facilitation des Etats-Unis d'Amérique. Il est dès lors surprenant que toutes les allégations des Experts qui ont établis le rapport sur la mise en œuvre de la résolution 1533(2004) et suivantes n'aient jamais été soulevées à l'occasion des sessions de la Tripartite Plus.

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En conclusion, le Gouvernement du Burundi rejette catégoriquement les allégations rapportées par le Groupe d'experts du Comité des sanctions établi et renouvelé en application de la résolution 1533(2004) sur la R.D.C, il demande par conséquent au Conseil de Sécurité de ne pas délibérer sur cette base.

Le Gouvernement de la République du Burundi

Annex 126

Letter dated 24 November 2009 from the Group of Experts addressed to the Permanent Representative of Burundi.

UNITED NATIONS NATIONS UNIES

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REFERENCE: S/AC.43/2009/GE/OC. 181 24 novembre 2009

Excellence,

J'ai l'honneur de vous adresser la présente en tant que Coordonnateur du Groupe d'Experts sur la République démocratique du Congo (RDC) rétabli conformément à la résolution 1857 (2008), en réponse à votre correspondance datée 20 novembre 2009 (votre référence : 204.02.18/1211/RE/2009) pour laquelle je vous exprime les remerciements du Groupe.

Le Groupe souhaite profiter de cette occasion pour transmettre aux autorités burundaises quelques éléments de réponse à la « Note réplique au rapport de novembre 2009 sur la mise en œuvre de la résolution 1533 (2004) par le Burundi », que vous trouverez en annexe à la présente. A cet effet, le Groupe vous serait extrêmement reconnaissant s'il pouvait compter sur vos bons offices pour que cette correspondance soit transmise à l'attention des autorités de Bujumbura.

Comme vous en avez été informé par le Secrétariat, le Groupe envisage également d'inclure ladite correspondance qui lui a été adressée par les autorités burundaises dans les annexes du rapport final qui sera prochainement rendu public. Cette suggestion, que nous soumettons à votre délégation pour approbation et dont nous vous serions reconnaissants de bien vouloir nous transmettre confirmation, émane de la volonté du Groupe de refléter la position du Gouvernement burundais.

En vous remerciant d'avance pour votre collaboration précieuse, je vous prie d'accepter, Excellence, l'expression de ma plus haute considération.

Coordonnateur
Groupe d'Experts sur la République démocratique du Congo
établi conformément à la résolution 1857 (2008)
du Conseil de sécurité des Nations unies

Son Excellence
Ambassadeur Zacharie Gahutu
Représentant permanent de la République du Burundi
Auprès des Nations unies

cc : Comité des sanctions sur la RDC
établi conformément à la résolution 1533 (2004)
du Conseil de sécurité des Nations unies

ELEMENTS DE REPONSE A LA « NOTE REPLIQUE AU RAPPORT DE NOVEMBRE 2009 SUR LA MISE EN ŒUVRE DE LA RESOLUTION 1533 (2004) PAR LE BURUNDI » DATEE 20 NOVEMBRE 2009, TRANSMIS PAR LE GROUPE D'EXPERTS SUR LA RDC RETABLI CONFORMEMENT A LA RESOLUTION 1857 (2008) DU CONSEIL DE SECURITE DES NATIONS UNIES.

Le Groupe remercie le Gouvernement de la République du Burundi pour les éléments transmis en date du 20 novembre 2009 et, par la présente, souhaite informer les autorités burundaises du fait qu'il tiendra compte des informations qui lui ont été transmises dans la correspondance mentionnée ci-dessus lors de l'accomplissement de son prochain mandat, celui actuel arrivant à expiration le 30 novembre prochain. De plus, le Groupe entend saisir cette opportunité afin d'apporter quelques clarifications au sujet des questions soulevées par le Gouvernement burundais dans sa correspondance, dans l'espoir que ces éléments additionnels pourront contribuer à alimenter la discussion de manière constructive.

Au sujet de la coopération qui lui a été offerte par les autorités burundaises, le Groupe a le devoir de rappeler que, au cours du mandat actuel, six correspondances officielles ont été adressées aux autorités burundaises (S/AC.43/2009/GE/OC.7 du 9 mars 2009, S/AC.43/2009/GE/OC.16 du 25 mars 2009, S/AC.43/2009/GE/OC.46 du 8 avril 2009, S/AC.43/2009/GE/OC.57 du 4 mai 2009, S/AC.43/2009/GE/OC.69 du 21 mai 2009 et S/AC.43/2009/GE/OC.128 du 8 septembre 2009). De surcroit, le Président du Comité des sanctions établi conformément à la résolution 1533 (2004) du Conseil de sécurité a également adressé deux correspondances à l'attention des autorités burundaises, le 22 avril 2009 et le 12 août 2009 (réf : S/AC.43/2009/GE/OC.20 et S/AC.43/2009/GE/OC.32 respectivement), afin de réaffirmer l'importance que ledit Comité attribue à la nécessité que tous les Etats membres coopèrent pleinement avec le Groupe d'experts, conformément aux obligations établies par les paragraphes 13 et 14 de la résolution 1857 (2008). Les autorités burundaises n'ont répondu à aucune des ces huit correspondances.

Force est de constater que malgré les demandes répétées du Groupe, les autorités burundaises n'ont pas souhaité transmettre d'éléments de réponse au Groupe, exception faite pour une série de données douanières et des documents émanant de la Direction des Mines (Ministère de l'Energie et des Mines) dont une copie a été transmise au Groupe à Bujumbura, lors d'une séance de travail qui s'est tenue le 8 juin 2009[1]. A ce sujet, le Groupe a également le devoir de souligner que ces documents relatif au secteur minier sont également disponibles dans le domaine public et que certaines des questions qui restent ouvertes à ce jour ont été adressées aux autorités burundaises en septembre 2008 et vainement réitérées à plusieurs reprises.

De même, le Groupe ne peut s'empêcher de constater, non sans amertume, que la seule correspondance qui lui a été adressée par les autorités nationales burundaises est celle à laquelle la présente entend fournir une réponse et qui intervient après que le Groupe ait présenté son rapport final au Comité des sanctions sur la RDC, à quelques jours de l'expiration de son mandat.

[1] Conformément à la méthodologie du Groupe, ces documents ont été insérés dans les archives déposées auprès des Nations unies.

Dans le cadre de son mandat actuel, le Groupe a organisé deux visites officielles au Burundi.

Lors de la première visite, le Groupe n'a pas pu bénéficier de l'assistance des autorités nationales à cause du court préavis. Au cours de l'audience néanmoins accordée au Groupe lors de cette première mission par le Point focal qui lui a été attribué par le Ministère des Relations extérieures et de la Coopération internationale, SEM l'Ambassadeur Adolphe NAHAYO, ce dernier a souligné le fait qu'il était impératif pour le Groupe d'informer les autorités nationales avec un délais de trois semaines avant la conduite de ses missions.

Le Groupe a ensuite envisagé une deuxième mission officielle au Burundi, du 31 mai au 9 juin 2009. Afin de fournir aux autorités burundaises la possibilité de préparer dûment cette mission et en appliquant les recommandations de l'Ambassadeur NAHAYO, le Groupe a jugé utile d'informer les autorités burundaises de cette deuxième visite adressant une correspondance officielle adressée à la Mission permanente du Burundi auprès des Nations unies, le 4 mai 2009.

Le 31 mai 2009, le Groupe est arrivé à Bujumbura comme prévu. Le lendemain, le Groupe a été informé par le Point focal du Ministère des Relations extérieures et de la Coopération internationale que malgré les demandes réitérées par le Groupe lors des semaines précédentes, le Ministère n'avait pas encore défini les modalités selon lesquelles les autorités nationales entendaient assister la mission du Groupe. La première audience accordée au Groupe par les autorités burundaise a finalement été programmée le 4 juin, ce qui a contribué à réduire considérablement le temps utile à disposition du Groupe et à favoriser ce même climat de précipitation auquel le Gouvernement burundais fait référence dans sa correspondance du 20 novembre 2009.

Le Groupe confirme le fait que M Claudio GRAMIZZI a participé à une rencontre informelle avec le Directeur général adjoint de la Régie des Services Aéronautiques (RSA) au mois de mai 2009. Lors de ladite rencontre, le Directeur Adjoint de la RSA a souligné son impossibilité de partager les informations requises par le Groupe, compte tenu de la nature informelle de la séance. Les autorités burundaises sont également a connaissance du fait qu'une deuxième séance de travail avec le Directeur Adjoint de la RSA a été organisée le 5 juin 2009, suivant l'agenda réalisé par le Ministère des Relations extérieures et de la Coopération internationale, pour la mission du Groupe. Ladite séance s'est déroulée en présence de M Dieudonné NIYUHIRE, officier du Ministère des Relations Extérieures et de la Coopération Internationale et n'a pas permis au Groupe d'obtenir accès aux informations demandées auprès de la Direction de la RSA.

Compte tenu de l'importance dont relèvent les informations relatives à l'aviation civile dans le mandat du Groupe et des obligations des Etats régionaux en matière de partage de même ces informations avec le Groupe, conformément au paragraphe 7 de la résolution 1596 (2005) subséquemment réaffirmées par les résolutions 1807 et 1857 (2008), le Groupe a adressée une nouvelle demande écrite à la direction de la RSA, le 8 septembre 2009 (réf: S/AC.43/2009/GE/OC.128). A ce jour, le Groupe n'a accusé réception d'aucune réponse relative à ces demandes.

Les conclusions des investigations menées par le Groupe au sujet des activités de M Mutoka RUGANYIRA sont détaillées dans le rapport final du Groupe qui a été présenté au Comité des sanctions sur la RDC les 18 et 20 novembre derniers. Comme le Groupe le précise explicitement dans son rapport, ces conclusions ont été étayées sur base d'un nombre important de témoignages directs, dont certains obtenus auprès de commerçants Congolais ayant reconnu au Groupe leur implication dans le canal d'approvisionnement en or d'origine congolaise bénéficiant à M RUGANYIRA. Lors de l'entretien avec le Groupe, le 3 septembre 2009 à Bujumbura, M RUGANYIRA a également affirmé au Groupe qu'environ 10% de ses achats en or étaient effectués auprès de vendeurs de nationalité congolaise important l'or au Burundi de manière frauduleuse. Ainsi qu'il était mentionné dans le rapport du Groupe de décembre 2008 (S/2208/773), M RUGANYIRA avait tenu des propos similaires en septembre 2008. A ce sujet, le Groupe souhaiterait exprimer ses regrets d'avoir eu à constater que les conclusions contenues dans son rapport de 2008 (S/2008/773) n'aient pas incité les autorités burundaises à contribuer à une meilleure connaissance de l'origine de l'or exporté par M RUGANYIRA.

Comme la « Note » adressée au Groupe le précise, lors du mandat actuel le Groupe n'a pas considéré pertinent de poursuivre ses investigations sur la compagnie *Farrel Trade and Investment Corporation* citée dans le rapport de 2008 simultanément à la compagnie de M RUGANYIRA, *Gold Link Burundi Trading*. Ce choix s'explique par le fait que le Groupe n'a recueilli aucun témoignage laissant croire que la compagnie *Farrel Trade and Investment Corporation* continuerait à s'approvisionner en or d'origine congolaise et a constaté qu'aucune exportation d'or n'a été déclarée à son nom, lors de la période qui a fait l'objet des investigations du Groupe (janvier-septembre 2009). Les autorités burundaises ne sont pas sans savoir que, lors de la même période, l'entreprise *Berkenrode BVBA* de M RUGANYIRA a réalisé des exportations d'or pour plus de 900 kg, soit plus de 99% de la totalité des exportations enregistrées au Burundi.

Pour ce qui est de la personne dont il est fait mention sommaire dans la « Note réplique au rapport de novembre 2009 sur la mise en œuvre de la résolution 1533 (2004) par le Burundi », le Groupe n'exclu pas s'être entretenu avec des individus pouvant répondre à la description faite par les autorités burundaises, au même titre que de nombreux autres. Cependant, le Groupe réfute de manière ferme l'indication selon laquelle une seule personne aurait joué un rôle prédominant dans les investigations menées dans le cadre du mandat actuel.

Le Groupe confirme ne pas avoir visité les zones de production aurifère burundaises lors de ses missions au Burundi, étant donnée la nécessité pratique d'adopter une approche sélective et le fait qu'un tel exercice limité sur un lapse de temps réduit n'aurait eu que valeur anecdotique. Néanmoins, le Groupe partage la conclusion des autorités burundaises sur l'importance de l'établissement de statistiques de production nationale et la souligne à son tour, notamment à la lumière du fait que les statistiques disponibles actuellement ne portent que sur les exportations enregistrées auprès des douanes burundaises et non pas sur les volumes de production nationale.

Le Groupe espère que les éléments repris ci-dessus et des détails supplémentaires qui figurent dans son rapport final contribueront à dissiper les préoccupations des autorités burundaises quant à l'existence d'un biais dans l'analyse du Groupe au sujet des activités de M RUGANYIRA et de la compagnie *Berkenrode BVBA*.

Pour ce qui est des allégations contenues dans le rapport final du Groupe et faisant référence à l'implication présumée du Général NSHIMIRIMANA dans un réseau de soutien bénéficiant aux FDLR, le Groupe réitère le fait qu'elles découlent de plusieurs témoignages obtenus par le Groupe en RDC, au Burundi et au Rwanda auprès d'un nombre important de sources indépendantes. Ces mêmes informations ont par ailleurs été confirmées au Groupe par un officier de liaison FDLR en poste au Sud Kivu. Lors d'un entretien avec ce dernier à la fin du mois d'octobre 2009, le Groupe a également été témoin direct d'une conversation téléphonique entre l'officier de liaison FDLR susmentionné et le Gén NSHIMIRIMANA, auteur de l'appel.

A ce sujet, le Groupe souhaite également préciser avoir pris connaissance de la publication de l'article publié sur le portail Internet « BURUNDI News » après sa parution et ne jamais avoir entretenu de relations directes avec le dénommé Gratien RUKINDIKIZA. Ainsi qu'il est précisé dans son rapport final, lors de ses missions au Burundi le Groupe s'est entretenu, entre autres, avec des officiers des services de sécurité nationaux et des membres de différents partis politiques, tant au sein de formations de l'opposition qu'auprès du CNDD-FDD.

Une fois de plus, le Groupe est confiant quant au fait que ces précisions contribueront à évincer les doutes que les autorités burundaises expriment dans leur « Note » et qui mettent en doute la crédibilité des conclusions étayées par le Groupe.

Le Groupe souhaite également profiter de cette occasion pour confirmer aux autorités burundaises le fait que son rapport final ne mentionne le cas relatif à la commande d'armes depuis la Malaisie que comme une « tentative d'exportation ». Néanmoins, si les autorités burundaises estiment que le fait de partager avec le Groupe les informations relatives à la visite de la délégation officielle burundaise qui s'est rendue en Malaisie, entre le 28 février et le 5 mars 2009, contribuerait à clarifier les contours dudit dossier, le Groupe ne manquera pas à son devoir de considérer les éléments qui lui seraient fournis avec l'attention exigée.

Pour ce qui est des mentions inhérentes aux activités des FDLR reprises dans la « Note » que les autorités burundaises ont transmise au Groupe, celui-ci regrette que l'information sur l'arrestation par les services de sécurité burundais de deux officiers FDLR (Col HABIYAMBERE et Lt Col NDITURENDE) en septembre 2009, n'ait pas été transmise au Groupe plus tôt. La pertinence qu'une information de telle nature présente avec l'exécution du mandat du Groupe est évidente et il est déplorable pour le Groupe de constater que le Burundi, Etat membre régional, n'ait pas estimé opportun de la communiquer malgré ses obligations envers les Nations unies.

Au sujet des activités attribuables au FDLR, le Groupe souhaite également souligner le fait que son rapport final ne mentionne pas l'existence de mécanismes de recrutement au Burundi, mais se réfère plutôt à l'utilisation du territoire burundais comme lieu de transit pour les recrues rwandaises qui rejoignent le Sud Kivu. Par souci de précision, le Groupe se permet d'ajouter ici que des conclusions quant au recrutement de combattants burundais existent toutefois dans le rapport final relatif à ce mandat, notamment pour ce qui est des éléments ayant intégré les rangs du groupe Mai-Mai Fujo Zabuloni en 2009.

Enfin, le Groupe rappelle aux autorités burundaises qu'il est soumis à l'obligation de faire rapport au sujet des conclusions de ses investigations auprès du Comité des sanctions établi conformément à la résolution 1533 (2004) de manière exclusive. Sur base de ces considérations, le Groupe estime que tout rapport auprès du mécanisme de sécurité commune « Tripartite Plus »

serait en violation de ses prérogatives, ce qui justifie le fait que les conclusions du Groupe n'aient jamais été soulevées auprès dudit mécanisme.

En conclusion, le Groupe a pris bonne note des éléments présentés par les autorités burundaises dans le cadre de la « Note réplique au rapport de novembre 2009 sur la mise en œuvre de la résolution 1533 (2004) par le Burundi » et espère sincèrement que cette correspondance, la première adressée au Groupe en 2009, représente une opportunité de renforcement futur du dialogue avec le Gouvernement burundais.

De même, le Groupe se veut optimiste quant au fait que les éléments de réponse fournis aux autorités burundaises contribueront à clarifier la nature des conclusions du Groupe reprises dans son rapport final et à renforcer leur conviction quant à la nature objective de ses investigations.

Quoi qu'il en soit, le Groupe reste à l'entière disposition des autorités burundaises pour toute clarification ultérieure qui s'avérerait nécessaire et réitère son engagement à apporter, dans la mesure de ses capacités et prérogatives, sa contribution impartiale à tous les efforts de paix visant à renforcer la stabilité et la sécurité dans l'Est de la RDC.

Coordonnateur
Groupe d'Experts sur la République démocratique du Congo
établi conformément à la résolution 1857 (2008)
du Conseil de sécurité des Nations unies